



2015

COUNCIL BUSINESS PAPERS

Ordinary Meeting | MONDAY 4 MAY 2015



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MUDGEE NSW 2850

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28 April 2015

Dear Councillor

MEETING NOTICE
Ordinary Meeting

Monday, 4 May 2015

Open Day at 5.30pm

Council Meeting commencing at conclusion of Open day

Notice is hereby given that the above meeting of Mid-Western Regional Council will be held in the Council Chambers, 86 Market Street, Mudgee at the time and date indicated above to deal with the business as listed on the Meeting Agenda.

Members of the public may address the Committee Meeting at Open Day. Speakers are given 5 minutes to outline any issue of relevance to the Council. If you wish to speak at Open Day please contact the Mayor's Office on 1300 765 002 or 02 6378 2850 by 3.00 pm on the day of the meeting. Alternatively, please make yourself known to the General Manager prior to the commencement of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to be "BRAD CAM", written over a horizontal line.

BRAD CAM
GENERAL MANAGER

AGENDA

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Item 1: Apologies

Item 2: Disclosure of Interest

In accordance with Section 451 of the Local Government Act 1993, Councillors should declare an interest in any item on this Agenda. If an interest is declared, Councillors should leave the Chambers prior to the commencement of discussion of the item.

Item 3: Confirmation of Minutes

3.1 Minutes of Ordinary Meeting held on 15 April 2015

Council Decision:

That the Minutes of the Ordinary Meeting held on 15 April 2015, Minute Nos 80/15 to 99/15 be taken as read and confirmed.

The Minutes of the Ordinary Meeting are attached overleaf.

Mid-Western Regional Council

Date: 15 April 2015

Minutes of the Ordinary Meeting of Council

Held at the Council Chambers, 86 Market Street, Mudgee
on Wednesday 15 April 2015, commencing at 5.47pm and concluding at 6.37pm.

PRESENT	Cr D Kennedy (Mayor), Cr P Cavalier (Deputy Mayor), Cr EE Martens (AM), Cr PA Shelley, Cr JP Thompson, Cr MB Walker, Cr JK Weatherley, Cr JR Webb, Cr L White.
IN ATTENDANCE	General Manager (B Cam), Director Operations (D Colwell), Director Development (C Van Laeren), Director Corporate (C Phelan), Director Community (S Jones), Executive Secretary (M Sutton)
MEDIA REPRESENTATIVES	Mudgee Guardian / The Weekly (L Stanford), Radio 2MG (M Heldon)

Item 1: Apologies

There were no apologies.

Item 2: Disclosure of Interest

Councillor Cavalier declared a pecuniary conflict of interest in Items 6.2.3 and 6.2.9 as he has a business relationship with both parties.

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.4 as he is preparing a quote for the developer.

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.1 as she has a personal friendship with the applicant.

Item 3: Confirmation of Minutes

80/15 MOTION: Cavalier / Shelley

That the Minutes of the Ordinary Meeting held on 18 March 2015 (Minute Nos. 48/15 to 79/15) be taken as read and confirmed with an amendment that the non-pecuniary interest noted by Cr John Webb be changed to a 'pecuniary' interest.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 15 April 2015

Item 4: Matters in ProgressRylstone Skate Park

81/15 MOTION: Cavalier / White

That Minute no. 51/15 be noted as completed.

*The motion was carried with Councillors voting unanimously.***Item 5: Mayoral Minute**

5.1.1 ADDITIONAL ORDINARY COUNCIL MEETING – MAY 2015

GOV400043, GOV400020

82/15 MOTION: Kennedy

That an additional Ordinary Council meeting be held on 4 May 2015 commencing with Open Day at 5:30pm.

*The motion was carried with Councillors voting unanimously.***Item 6: General Business**

6.1 NOTICES OF MOTION

6.1.1 BUSINESS USE OF FOOTPATH POLICY

GOV400022, GOV400043

MOTION: Thompson / Martens

That Council not charge fees for footpath signs and dining in Mudgee, effective 1 July 2015.

The motion was put and lost with Councillors voting as follows:

Councillors	Ayes	Nays
Cr Cavalier		✓
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley		✓
Cr Thompson	✓	
Cr Walker		✓
Cr Weatherley		✓
Cr Webb		✓
Cr White		✓

Mid-Western Regional Council

Date: 15 April 2015

6.2 REPORTS TO COUNCIL**6.2.1 DA0260/2015, CHANGE OF USE - SHED TO DUAL
OCCUPANCY @ 809 OLD GRATTAI ROAD GRATTAI NSW
2850**

GOV400043, DA0260/2015

Councillor White declared a non-pecuniary conflict of interest in Item 6.2.1 as she has a personal friendship with the applicant, left the room at 5.57pm, did not participate in discussion or vote in relation to this matter.

83/15 MOTION: Weatherley / Webb

That:

1. The report by the Senior Town Planner on Development Application 0260/2015 for the change of use shed to dual occupancy Lot 1 DP 584930 at 809 Old Grattai Road be received;
2. That Development Application 0260/2015 for the change of use shed to dual occupancy Lot 1 DP 584930 at 809 Old Grattai Road be approved subject to the following conditions:

APPROVED DEVELOPMENT

1. The development is to be carried out in accordance with the approved stamped plans and application received by Council 10 March 2015, except as otherwise provided by the conditions of this determination (Note: modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 96 of the Environmental Planning and Assessment Act).

GENERAL

2. The requirements of BASIX Certificate number 615250S issued on 9 March 2015 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s
3. A minimum of 45,000 litres of domestic water storage is to be provided for the dual occupancy (second dwelling).

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

4. Prior to the occupation of the second dwelling (dual occupancy), an Occupation Certificate is to be obtained from Council.
5. A Building Certificate for the fit out of the shed for residential purposes is to be obtained within three (3) months of the

Page 3 of the Minutes of the Ordinary Meeting of Council held on Wednesday 15 April 2015.

Mayor

General Manager

- date of this consent and prior to the issue of an Occupation Certificate.
6. The owner is to apply for a Building Certificate addressing the following matters;
 1. Engineer's certification for the structural adequacy of the building making reference to the AS1170 series.
 2. Engineer's certification for the timber and wire balustrades and their compliance with Performance Requirement (PR) 2.5.1 and/or Part 3.9.2 of Volume 2 of the BCA.
 3. Engineer's certification stating that the building complies with Part 3.12 'Energy Efficiency' of the BCA
 4. Licensed Builder to certify the installation of the solid-fuel burning fire place to PR2.3.3 and/or Part 3.7.3 of the BCA.
 5. Interconnected smoke alarm to be installed within the ground floor storage area in accordance with Part 3.7.2.4 of the BCA – Certification is required from a licensed electrician.
 7. Complete landscaping plans are to be submitted for approval prior to issue of an Occupation Certificate. Landscaping is to screen the development from the dwelling located at 851 Grattai Road. All landscaping to consist of appropriately advanced trees and shrubs. All landscaping is to be established prior to issue of occupation certificate for the development. Tree and shrub species should require minimal watering and be salt resistant.

The motion was carried with Councillors voting unanimously.

Councillor White returned to the meeting at 6.04pm.

6.2.2 PLANNING PROPOSAL - ADDITIONAL DWELLINGS ADAMS
LEAD ROAD GULGONG, SPRING FLAT ROAD AND MARKET
STREET MUDGEE

GOV400043, LAN900048

MOTION: Thompson / White

That:

1. the report by the Town Planner on the Planning Proposal - Additional Dwellings Adams Lead Road Gulgong, Spring Flat Road and Market Street Mudgee be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to amend the Mid-Western Regional LEP 2012 – Spring Flat Road, Adams Lead Road, Market Street and Split Zoning subject to the Opinion issued by Parliamentary Counsel.

84/15 AMENDMENT: Weatherley / Cavalier**That:**

1. the report by the Town Planner on the Planning Proposal - Additional Dwellings Adams Lead Road Gulgong, Spring Flat Road and Market Street Mudgee be received;
2. Council exercise the delegation in relation to the preparation of the amendment to Local Environmental Plan 2012 to amend the Mid-Western Regional LEP 2012 – Spring Flat Road, Adams Lead Road, and Split Zoning subject to the Opinion issued by Parliamentary Counsel;
3. Council not proceed with the planning proposal in relation to Lot 41 DP703056 and Lot 1 DP564729 Market Street Mudgee.

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White		✓

6.2.3 ULAN WEST MODIFICATION 3

GOV400043, A0420028

85/15 MOTION: Walker / Weatherley

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.3 as he has a business relationship with the party, left the room at 6.14pm, did not participate in discussion or vote in relation to this matter.

That:

1. the report by the Manager, Statutory Planning on the proposed Ulan West Modification 3 be received;
2. Council note that the proposed modification is on exhibition until the 17 April 2015;
3. Council not lodge a submission with the Department of Planning and Environment (DPE).

Mid-Western Regional Council

Date: 15 April 2015

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the meeting at 6.14pm.

6.2.4 WATER AND SEWER SERVICING - SUBDIVISION - 238
BROADHEAD ROAD MUDGEES (BROADVIEW ESTATE)
GOV400043, P2109711

86/15 MOTION: White / Weatherley

Councillor Walker declared a pecuniary conflict of interest in Item 6.2.4 as he is preparing a quote for the developer, left the room at 6.14pm, did not participate in discussion or vote in relation to this matter.

That:

1. the report by the Director, Development on Water and Sewer Servicing - Subdivision - 238 Broadhead Road Mudgees (Broadview Estate) be received;
2. Negotiations regarding the servicing of the Broadview Estate be finalised and a further report be presented to Council for endorsement detailing the terms of the agreement including design and costs.

The motion was carried with Councillors voting unanimously.

6.2.5 MONTHLY BUDGET REVIEW FEBRUARY 2015
GOV400043, FIN300062, A0100056

87/15 MOTION: Cavalier / Martens

That Council receive the report by the Manager Finance on the Monthly Budget Review February 2015.

The motion was carried with Councillors voting unanimously.

6.2.6 MONTHLY STATEMENT OF INVESTMENTS AND BANK
BALANCES AS AT 31 MARCH 2015
GOV400043, FIN300053

88/15 MOTION: Cavalier / Weatherley

That:

1. the report by the Manager Finance on the Monthly statement of investments and bank balances as at 31 March 2015 be received;
2. the certification of the Responsible Accounting Officer be noted.

The motion was carried with Councillors voting unanimously.

Mid-Western Regional Council

Date: 15 April 2015

Councillor Walker returned to the meeting at 6.16pm.

6.2.7 FINANCIAL ASSISTANCE APPLICATIONS

GOV400043, A0140201

89/15

MOTION: Martens / Cavalier

That:

1. The report by the Manager Finance on the Financial Assistance Applications be received;
2. Council provide a donation to the following applicants in accordance with the criteria and guidelines of the Financial Assistance Policy, subject to those requirements being met:

Mudgee Endurance Riders Association Inc.	\$500.00
Rylstone & District Historical Society	\$774.37

The motion was carried with Councillors voting unanimously.

6.2.8 FINANCIAL ASSISTANCE FOR CHILDCARE CENTRE MELTON ROAD

GOV400043, P1193065

MOTION: Cavalier / White

That Council:

1. receive the report by the General Manager on the Financial Assistance for Childcare Centre Melton Road; and
2. not proceed with the provision of financial assistance of \$36,639.80 by way of reduced Section 64 Developer Contributions.

90/15

AMENDMENT: Kennedy /Walker

That Council:

1. receive the report by the General Manager on the Financial Assistance for Childcare Centre Melton Road; and
2. proceed with the provision of financial assistance of \$36,639.80 by way of reduced Section 64 Developer Contributions subject to the applicant having the building completed by June 2017;
3. encourage the applicant to employ local contractors to build the facility.

The amendment was put and carried and on being put as the motion was again carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier		✓
Cr Kennedy	✓	

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Mayor

General Manager

Mid-Western Regional Council

Date: 15 April 2015

Cr Martens		✓
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb		✓
Cr White		✓

6.2.9 REQUEST FOR EVENT ASSISTANCE – MUDGEEO POLO CLUB
GOV400043, A0410001, A0140201

91/15 MOTION: Shelley / Thompson

Councillor Cavalier declared a pecuniary conflict of interest in Item 6.2.9 as he has a business relationship with the party, left the room at 6.29pm, did not participate in discussion or vote in relation to this matter.

That:

1. the report by the Events Co-ordinator on the Request for Event Assistance – Mudgeeo Polo Club be received;
2. Council provide Event Assistance of \$500 for the 2015 Mudgeeo Polo Club Tournament.

The motion was carried with Councillors voting unanimously.

Councillor Cavalier returned to the meeting at 6.30pm.

6.2.10 REQUEST TO DISCOUNT GLEN WILLOW HIRE FEES –
WESTERN MARINERS

GOV400043, A0140001, F0650099, A0140201

92/15 MOTION: Shelley / White

That:

1. the report by the Events Co-ordinator on the Request to Discount Glen Willow Hire Fees – Western Mariners be received;
2. Council provide a \$3,780 discount to the hire fees for the use of Glen Willow Regional Sports Stadium for the 2015 Western Mariners Football season.

The motion was carried with Councillors voting unanimously.

6.2.11 POLICY REVIEW – CREDIT POLICY

GOV400043, A0140326

93/15 MOTION: Shelley / Cavalier

That:

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Mayor

General Manager

Mid-Western Regional Council

Date: 15 April 2015

1. the report by the Revenue & Property Manager on the Policy Review – Credit Policy be received;
2. Council adopt the revised Credit Policy.

The motion was carried with Councillors voting unanimously.

6.2.12 NAMING OF UNNAMED ROAD OFF HILL END ROAD

GOV400043, R0790041

94/15 MOTION: Shelley / Weatherley

That:

1. the report by the Revenue & Property Manager on the Naming of unnamed road off Hill End Road be received;
2. Council name this road Blain Road;
3. Council donate a second street blade to Mr Blain's family, funded from Financial Assistance.

The motion was carried with Councillors voting unanimously.

6.2.13 POLICY REVIEW – BUSINESS USE OF THE FOOTPATH

GOV400043, A0100021

95/15 MOTION: Webb / Shelley

That:

1. receive the report by the Director, Community on the Policy Review – Business Use of the Footpath;
2. place the draft Business Use of the Footpath Policy on public exhibition for 21 days to provide the opportunity for comment from the community.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy	✓	
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson		✓
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

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Mayor

General Manager

Mid-Western Regional Council

Date: 15 April 2015

6.2.14 QUARRY ROAD - KANDOS

GOV400043, P1683311

96/15 **MOTION:** **Shelley / Martens**

That the report by the Director, Operations on the Quarry Road - Kandos be received.

The motion was put and carried with Councillors voting as follows:

Councillors	Ayes	Nayes
Cr Cavalier	✓	
Cr Kennedy		✓
Cr Martens	✓	
Cr Shelley	✓	
Cr Thompson	✓	
Cr Walker	✓	
Cr Weatherley	✓	
Cr Webb	✓	
Cr White	✓	

6.2.15 REVIEW OF POLICY ON ASSET MANAGEMENT

GOV400043, A0020003

97/15 **MOTION:** **Cavalier / Walker**

That:

1. **the report by the Manager Plant & Facilities on the Review of Policy on Asset Management be received;**
2. **Council formally adopt the amendments to the Asset Management Policy.**

The motion was carried with Councillors voting unanimously.

6.2.16 APPOINTMENT OF ACTING GENERAL MANAGER

GOV400043, GOV400025

98/15 **MOTION:** **Shelley / Thompson**

That:

1. **receive the report by the General Manager on the appointment of an Acting General Manager;**
2. **appoint Clare Phelan, Director Corporate, as Acting General Manager for the period 4 May 2015 to 18 May 2015; and**
3. **delegate to the Acting General Manager, Clare Phelan, the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under**

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 Mayor

 General Manager

Mid-Western Regional Council

Date: 15 April 2015

section 377 of the Local Government Act, 1993, and also excluding any specific functions which Council has, by resolution, reserved to Council.

The motion was carried with Councillors voting unanimously.

6.2.17 MUDGEE & GULGONG ACCESS COMMITTEE MINUTES

GOV400043, A0060008

99/15 MOTION: Cavalier / Webb

That:

1. the report by the Acting Manager, Community Services on the Mudgee & Gulgong Access Committee Minutes be received;
2. Council note the minutes of the Mudgee & Gulgong Access Committee meeting held on 3 March 2015;
3. Council endorse the appointment of Renee Lamshed of CareWest to the Committee.

The motion was carried with Councillors voting unanimously.

Item 7: Urgent Business Without Notice

Nil

Item 8: Confidential Session

Nil

Closure

There being no further business the meeting concluded at 6.37pm.

Item 4: Matters in Progress

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Quarry Road – Kandos	Res. 64/12 Ordinary Mtg 15/2/2012	That consideration of this matter be deferred until discussions with Cement Australia have been completed.	No determination as yet.
Pedestrian Access Mobility Plan (PAMP)		Council allocate \$130,000 towards regional-wide new or upgraded footpath and cycleway infrastructure in the region and that staff prepare a report for the July meeting to recommend priorities for the expenditure of these funds.	Council staff have engaged a consultant to prepare a Pedestrian Access Mobility Plan (PAMP). Following this report, a priority list will be prepared for Council's consideration.
Saleyards subdivision	Res 228/14 Ordinary Mtg 4/6/14	That: 2. Council advertise state-wide a tender to sell the former Saleyards site, known as Lot 2 DP534336, Lot 399 DP132580, and Lot 532 DP1132581 which has recently been approved for a 48 lot residential subdivision; 3. all tenders be forwarded to Council for determination as to whether or not Council will sell the site; 4. the tender process to last 60 days, and the tender notice clearly indicate that Council may not necessarily accept all or any tenders; 5. Council demolish the old SES building prior to the public tender of this subdivision and remove all demolished waste from site.	Council has completed the demolition of the old SES building, and the survey of the subdivision is also complete. Further discussion with Council to decide the best timing to call for a tender of this subdivision.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Completion of Banner Poles	Res. 411/14 Ordinary Mtg 17/9/14	<ol style="list-style-type: none"> 1. Council purchase six banner poles for Gulgong at a cost of approximately \$6000 to be funded from the strategic projects provisions. 2. Council allocate \$3000 to produce generic banners for the town of Gulgong to be used at times where community organisations are not utilising the banner poles. 3. Council put banner designs on public exhibition for a period of 14 days for the purpose of seeking community feedback, prior to the banners being produced. 	Council to seek feedback on the design of a generic banner. The design will then go on public exhibition. This closes 9 January 2015. A report will be presented to February Council meeting.
Gulgong Banner Designs	65/15 Ordinary Mtg 18/3/15	<p>That:</p> <ol style="list-style-type: none"> 1. Council resolve to place the two design proposals for generic Gulgong banners on public exhibition for a period of 14 days to seek community feedback. 	A report will be presented at the May Council meeting.
Rylstone Skate Park	Res. 426/14 Ordinary Mtg 17/9/14	<ol style="list-style-type: none"> 2. Council support the construction of a skate park at Rylstone. 3. Council seek grant funding for this project. 	<p>Awaiting outcome of grant funding applications. It is included in the Draft Budget 2015/16</p> <p>RECOMMEND COMPLETION</p>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Rylstone Pedestrian Bridge Tender Process	Res. 530/14 Ordinary Mtg 3/12/14	<p>2. Council accepts the recommendation fo the Senior Works Engineer to request the following companies to tender for the work:</p> <ul style="list-style-type: none"> • Waegar Constructions Pty Ltd • Steelworks Engineering Pty Ltd • Fleetwood Urban Pty Ltd • J&R Industries • Wagners CFT Manufacturing Pty Ltd <p>3. The unsuccessful applicants be notified that their applications were unsuccessful.</p> <p>4. The 2014/15 Operational Plan be amended to include \$150,000, which is brought forward from the 2015/16 budget</p>	Council to call for tenders for Rylstone Pedestrian Bridge and report costs back to Council
Rural Fire Service Headquarters and Museum	565/14 Ordinary Mtg 17/12/14	3. That the General Manager be authorised to continue negotiations with the Rural Fire Service in order to subdivide the necessary 7100sm of land and negotiate an agreement for the timing, design and funding of the Rural Fire Service headquarters and museum at Mudgee.	The General Manager has had a preliminary meeting with the RFS. They have confirmed they are happy with the 7,100 sm of land, and the timing of construction is 2 years away.
Tender for cleaning services for Council buildings in the Mudgee/ Gulgong region	572/14 Ordinary Mtg 17/12/14	2. That Council not accept any tenders and delegate authority to the General Manager to negotiate with the tenderers as necessary.	Council staff are undertaking a comparison of in-house versus external service provision.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Glen Willow Scoreboard	7/15 Extraordinary Mtg 4/2/15	<ol style="list-style-type: none"> 1. Council accept the offer from the Mudgee Sports Council to provide the funding (estimated to be approximately \$12,000) for a replacement electronic scoreboard at Glen Willow Regional Sports Complex; 2. Council agree to fund the reimbursement of the funds provided by the Mudgee Sports Council for the electronic scoreboard and these funds be included in the budget for 2015/16. 	<p>Council need to include the costs in next year's budget to reimburse the Mudgee Sports Council.</p> <p>Council is repairing the scoreboard within its current budget.</p> <p>RECOMMEND COMPLETION</p>
Reseal of Mayne , Herbert and Medley Streets in Gulgong	1/15 Extraordinary Mtg 4/2/15	<ol style="list-style-type: none"> 1. the \$155,000 allocated in the 2014/15 Operational Plan for Mayne Street, Gulgong for asphalt works be removed with funds to be reallocated to higher priority roadworks as part of the March 2015 Quarterly Budget Review; 2. Council note the concerns of the residents of Gulgong and take those concerns into account when doing any further work in the Gulgong CBD. 	<p>A report will be brought back to Council after the March QBR to determine the roadworks that need to be completed.</p>

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Requests for variations to water and sewer contributions	16/15 Ordinary Mtg 18/2/15	That: 2. Condition 44 of MI0011/2013 for the child care centre on Lot 2 DP 844678 being 26 Melton Road Mudgee be reduced by the sum of \$36,639.80 and condition 44 relating to the residential component of the development be amended to read as follows: (a) Payment of a contribution for water and sewerage headworks at the following rate for 1 additional lot: Water headworks \$3,917 Sewer headworks \$3,400 Total: \$7,317 5. That the intention to waive a fee of \$36,639.80 be placed on public exhibition for 28 days and the matter be brought back to Council.	Report presented to 15 April 2015 Council meeting. RECOMMEND COMPLETION
Fit for the Future Program	23/15 Ordinary Mtg 18/2/15	2. That a Councillor workshop be held during April to participate in the development of Council's Improvement Proposal.	Workshop to be scheduled and attended by Councillors. RECOMMEND COMPLETION
Kandos Centenary Working Party	39/15 Ordinary Mtg 18/2/15	5. That Council proceed to formally dissolve the Kandos Centenary Working Party as a Section 355 Committee of Council.	A report was presented at the February Council meeting. RECOMMEND COMPLETION
Council Contributions	44/15 Ordinary Mtg 18/2/15	That a discussion paper be prepared in relation to Council contributions and presented to Councillors at the April workshop, so that Councillors can consider how to best assist applicants who demonstrate an economic and social need.	Council will be presented with options next financial year, after the Fit for the Future submission has been completed.

SUBJECT	RESOLUTION NO. & DATE	RESOLUTION	ACTION
Public Art Plan	67/15 Ordinary Mtg 18/3/15	That: 2. Council place the Public Art Plan on public exhibition for 28 days to seek comment and input from the community.	A report will be presented at the May Council meeting.

Item 5: Mayoral Minute

There is no mayoral minute.

Item 6: General Business

6.1 Notices of Motion

6.1.1 Introduction of bounty on wild dogs, foxes and feral cats

LISTED BY CR PERCY THOMPSON TO 4 MAY 2015 COUNCIL MEETING

6.1.1 Introduction of bounty on wild dogs, foxes and cats

GOV400022, GOV400043

MOTION

That Council approaches the State Government to request a bounty scheme be introduced for wild dogs, foxes and feral cats.

BACKGROUND

With the huge problem our region and other rural areas are currently experiencing with growing numbers of wild dogs, foxes and feral cats, I am certain that we will receive support from our fellow councils in NSW to approach the State Government.

Comments by General Manager

If Council were to support this Notice of Motion, then I will write to the Local Government NSW for them to consider this action at their next Executive Meeting.

6.2 Reports

6.2.1 Lot 1 DP 1176841, 4-8 Perry Street, Mudgee

REPORT BY THE DIRECTOR, DEVELOPMENT TO 4 MAY 2015 COUNCIL MEETING
DA0273-2014 8 Perry Street
GOV400043, DA0273/2014

RECOMMENDATION

That:

1. the report by the Director, Development on the Lot 1 DP 1176841, 4-8 Perry Street, Mudgee be received;
2. Council delegate to the General Manager or his delegate the authority to finalise the amendment to the covenant;
3. the positive covenant for Lot 1 DP 1176841 Parish of Mudgee County of Wellington cover by Subdivision Certificate No.048/2015 be amended as follows (amendments shown underlined):

2. *Terms of Easement on Restrictions on Use of Land Fifthly referred to in abovementioned Plan*

Filling of Lots is not permitted excluding those areas located within the footprint of the dwelling or within the footprint of any ramp providing access to the dwelling including garages that form part of the dwelling.

5. *Terms of Positive Covenant Eighthly referred to in abovementioned Plan*

1. *All future dwellings are to have finished floor level 500mm above the 1 in 100 year flood level with a minimum finished floor level for each allotment in accordance with the following table.*

<i>Lots 1 and 7</i>	<i>- 449.0 m Australian Height Datum (AHD)</i>
<i>Lots 6 and 8</i>	<i>- 449.1 m AHD</i>
<i>Lot 9</i>	<i>- 449.2 m AHD</i>
<i>Lots 3 and 10</i>	<i>- 449.3 m AHD</i>
<i>Lots 2 4 5 and 11</i>	<i>- 449.4 m AHD</i>

2. *In respect to Lot 12 future dwellings are to have a finished floor level 500mm above the 1 in 100 year flood level.*

For the purpose of this restriction garages and verandahs are excluded from the finished floor levels stipulated above.

3. Council delegate to the General Manager or his delegate the authority to determine Development Applications that seek to vary condition 49 and 51 of Development Consent DA 0273/2014 (MA0013/2015) where the assessment supports the variation.

Executive summary

Council has received two development applications and enquiries regarding development on 4-8 Perry Street which has raised issues in relation to the covenants that have been imposed on the site concerning flooding. The purpose of this report is to provide further information in relation to the flooding impacts and outline the process required to vary the covenants.

Detailed report

BACKGROUND

Council considered the Development Application DA0273/14 at the 2 April 2014 Council Meeting and resolved to approve the application subject to conditions. The conditions included the following conditions;

49. *Any future dwellings are to have a Finished Floor Level (FFL) of 500mm above the 1 in 100 year flood level. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement and stipulating a minimum FFL of 449.5m AHD.*
51. *Filling of the proposed lots is not permitted and all future development is to be of a raised floor construction with open or semi open sub floor construction. A positive covenant is to be created for each allotment in accordance with the Conveyancing Act enforcing this requirement.*

Council considered Modification Application M0013/2015 on the 1 October 2015 and resolved to amend the development consent such that the Finished Floor Level (FFL) was graduated over the site consistent with Council's Flood controls within the Comprehensive DCP 2013 and the Mudgee Floodplain Management Plan.

The consent was also modified to remove that the requirement for a raised floor construction whilst the no filling of the site was maintained.

CURRENT SITUATION

As a consequence of the Development Consent the following covenants were imposed on the title.

- 2. Terms of Easement on Restrictions on Use of Land Fifthly referred to in abovementioned Plan**
 1. Filling of Lots is not permitted.
- 3. Terms of Positive Covenant Sixthly referred to in abovementioned Plan**
 1. Any fencing to be erected on the northern boundary of each lot must be constructed of a lapped and capped 1.8metre high timber fence.
- 4. Terms of Positive Covenant Seventhly referred to in abovementioned Plan**
 1. Vehicular access is restricted to Loy Avenue
- 5. Terms of Positive Covenant Eighthly referred to in abovementioned Plan**
 1. All future dwellings are to have finished floor level 500mm above the 1 in 100 year flood level with a minimum finished floor level for each allotment in accordance with the following table.

Lots 1 and 7	- 449.0 m Australian Height Datum (AHD)
Lots 6 and 8	- 449.1 m AHD
Lot 9	- 449.2 m AHD
Lots 3 and 10	- 449.3 m AHD
Lots 2 4 5 and 11	- 449.4 m AHD

2. In respect to Lot 12 future dwellings are to have a finished floor level 500mm above the 1 in 100 year flood level.

6. Terms of Positive Covenant Ninthly referred to in abovementioned Plan

1. All fencing below the 1 in 100 year flood level shall be designed so as to allow the passage of water in the event of a flood in accordance with the following table.

Lots 1 and 7	- 448.5m Australian Height Datum (AHD)
Lots 6 and 8	- 448.6 m AHD
Lot 9	- 448.7 m AHD
Lots 3 and 10	- 448.8 m AHD
Lots 2 4 5 and 11	- 448.9 m AHD

2. In respect to Lot 12 all fencing below the 1 in 100 year flood level shall be designed so as to allow the passage of water in the event of a flood

Council has received 2 development applications and enquiries requesting that the floor level of garages, that are attached and therefore deemed by staff to be part of the dwelling, be located at natural ground level to avoid the necessity of constructing a ramp into the garage. Conversely, Council has also had enquiries that should a garage be located at the same floor level as the rest of the dwelling can fill be placed on the site to enable a ramp to the garage to be constructed as a slab on ground. Both of these proposals are inconsistent with the covenants as they currently stand.

In addition, similar questions have been asked regarding the floor level of a verandah where that verandah is located under the main roof line of the house.

To assist in resolution of these issues additional engineering and legal advice has been sought.

ENGINEERING ADVICE – DARYL COLWELL

In relation to the garage floor height, according to the Construction Of Buildings In Flood Hazard Areas: Information Handbook published by Australian Building Codes Board it states that:

The Standard requires habitable floors to be above the Flood Hazard Level (ie the DFL plus the freeboard) and non-habitable floors to be no more than 1m below the DFL (see figure C2.4), unless the appropriate authority determines otherwise.

(DFL stands for Defined Flood Level)

And further relating to verandahs:

The 1m maximum inundation of non-habitable floors only applies to an enclosed room with walls and does not apply where there are no walls (ie consists only of columns or posts). The flood action on an open structure is much less compared to a solid wall.

So, garages are permitted slab on ground since inundation across the site is less than 500mm.

In the Flood Impact Assessment Lots 2 And 3, Dp758721 2-8 Perry Street, Mudgee Draft Report July 2009 it is proposed to fill the site to 100year ARI flood level. Modelled results show that at the upstream boundary there is an initial rise of 100mm, falling back to 20mm at the Holyoake Bridge and the damming effect is contained entirely within Lawson Park West and slightly to the north of the Cudgegong River. Since the only filling would be proposed for the house sites and attached garages, the damming effect would be significantly less and contained to a much smaller footprint.

As this would not pose risk to life or property, the impact of fill for house construction is minimal.

It is my professional opinion that filling in the building footprint with garages on ground is acceptable.

LEGAL ADVICE

A full copy of the legal advice is attachment 1 to this report.

The following is an extract from the advice:

7. *The word 'dwelling' is not defined in the Consent or the s88B instrument.*
8. *Nor is it defined in the EPA Act under which it was made.*
9. *It would therefore have its ordinary meaning as 'a place of residence or abode: a house'.*
10. *In my view, a garage that forms part of the structure of such a building would most likely be considered to be a part of that dwelling. If so, the garage is required by the condition and the covenant on title to be located at the 1:100 year flood level.*
11. *The position in relation to the verandah is not so clear. I have my doubts that the surface of the verandah is a floor of the dwelling.*
 - a. *My understanding is that this area is not enclosed.*
 - b. *Further, noting that the object of flood level requirements relates to flood safety, there seems less warrant to presume that inundation of a verandah is of the same level of concern as inundation of internal areas, so it may not have been the intention of the draftsman to include these areas as 'floors'.*
12. *Assuming, however, for arguments sake, that both the verandah and garage are part of the dwelling, but that there is no flood planning reason to maintain those restrictions, the condition and the covenant is enforceable and binding.*
13. *Therefore, to overcome those restrictions, the Council would need to:*
 - a. *vary the covenant; and*
 - b. *approve any consent for the dwelling subject to a condition requiring the modification of condition 49 before the development is carried out.*
14. *Before it could grant consent, it would need to satisfy itself as required by clause 6.2 of the Mid-Western Regional Local Environmental Plan 2012 as follows:*
 - (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

15. *In order to vary the covenant, and as it is in favour of the council, s88E of the Conveyancing Act 1919 allows the covenant to be varied with the consent of the Council and the persons with an estate or interest in the land:*
 - (7) *A restriction or public positive covenant imposed pursuant to this section may be varied:*
 - (a) *where the land affected by the restriction or public positive covenant is under the provisions of the Real Property Act 1900—by a memorandum of release or a memorandum of variation, as the case may require, in the form approved under that Act and recorded in the Register kept under that Act, or*
 - (b) *where the land so affected is not under the provisions of that Act—by a deed of release or a deed of variation, as the case may require, registered under Division 1 of Part 23,*

executed by the prescribed authority entitled to enforce the restriction or public positive covenant and, in the case of a variation of a restriction or public positive covenant, bearing the written consent of each person against whom, at the time the memorandum is recorded, or the deed registered, the restriction or public positive covenant is enforceable.
16. *In order to vary condition 51, a condition can be imposed under s80A(1)(b) of the EPA Act requiring this modification of the subdivision consent; in which case the developer would subsequently need only to submit a notice to the Council under cl 97 of the EPA Reg in order to achieve the modification.*
17. *In terms of liability for flood, Council does not incur any liability for anything done or omitted to be done in good faith by the Council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.*
18. *Therefore, provided that the Council approaches the above questions from a principled position relating to floodplain management, it will have no liability for any resultant damage, eg to a garage, that may occur in the event of a flood.*
19. *I note that the Floodplain Development Manual (pJ-3) identifies that it is common practice to set minimum floor levels for development, particularly for habitable rooms in residential buildings; but with the implication that there is no necessary reason to extend such restrictions to non-habitable rooms or other structures of dwellings such as garages.*
20. *The key considerations as to whether the condition and covenant ought to be varied in consenting to a form of dwelling on the land seem to me to be those in clause 6.2 of the Mid-Western Regional Local Environmental Plan 2012 to which I have already referred.*
21. *In terms of the restriction on filling, the same approach would need to be taken to the assessment on merit of the consequences of any proposal to require the garage floor to be raised by a ramp created by filling. If that were the proposal, the covenant and condition of the subdivision consent would need to be varied in the same way as for condition 49*

CONCLUSION

The definition of a dwelling for the purposes of the covenant is ambiguous. For the purposes of the covenant it is considered that the dwelling should include all areas located under the main roof area of the house, therefore it would potentially include both the garage and the verandah but would not include a patio area included under a pergola or the like or a detached garage. Inclusion of the verandah in this manner will provide clarity and address the situation where verandah may be enclosed at a later stage. Inclusion of the garage or verandah within the definition of a dwelling will allow fill under the footprint of these areas if desired by the applicant. Notwithstanding the inclusion of the areas within the definition of a dwelling, it is proposed that the covenant be varied for both garages and verandahs.

Based on the engineering advice included in this report Council should allow the variation of the covenant and the Development Consent DA0273/14 for the following:

- Verandahs;
- Garages;
- Fill under the footprint of the dwelling;
- Fill under a ramp used to access a dwelling including a garage that forms part of that dwelling.

The covenants be amended as follows (amendments shown in italics):

2. Terms of Easement on Restrictions on Use of Land Fifthly referred to in abovementioned Plan

Filling of Lots is not permitted excluding those areas located within the footprint of the dwelling or within the footprint of any ramp providing access to the dwelling including garages that form part of the dwelling.

5. Terms of Positive Covenant Eighthly referred to in abovementioned Plan

1. *All future dwellings are to have finished floor level 500mm above the 1 in 100 year flood level with a minimum finished floor level for each allotment in accordance with the following table.*

<i>Lots 1 and 7</i>	<i>- 449.0 m Australian Height Datum (AHD)</i>
<i>Lots 6 and 8</i>	<i>- 449.1 m AHD</i>
<i>Lot 9</i>	<i>- 449.2 m AHD</i>
<i>Lots 3 and 10</i>	<i>- 449.3 m AHD</i>
<i>Lots 2 4 5 and 11</i>	<i>- 449.4 m AHD</i>

2. *In respect to Lot 12 future dwellings are to have a finished floor level 500mm above the 1 in 100 year flood level.*

For the purpose of this restriction garages and verandahs are excluded from the finished floor levels stipulated above.

In considering any Development Applications that seek to vary condition 49 and 51 of Development Consent DA0273/14 the assessment will include consideration of Clause 6.2 of the Mid-Western LEP 2012. It is recommended that Council provide delegation to Director Development to determine Development Applications that seek to vary condition 49 and 51 where the assessment supports the variation to facilitate application processing.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

The assessment of the development application sits under theme 1 Looking after our Community, Goal 1.1 – A safe and Healthy Community



CATHERINE VAN LAEREN
DIRECTOR, DEVELOPMENT

24 April 2015

Attachments: 1. Legal Advice from Lindsay Taylor and Associates

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

Anne Baker

Subject: FW: Advice re 4-8 Perry Street - Riverside Estate - DA0273/14 - LTL:[MWRC15004]

From: Stuart Simington [mailto:Stuart.Simington@lindsaytaylorlawyers.com.au]

Sent: Wednesday, 22 April 2015 8:41 AM

To: Catherine Van Laeren

Subject: Advice re 4-8 Perry Street - Riverside Estate - DA0273/14 - LTL:[MWRC15004]

Dear Catherine,

Introduction and Background

1. I refer to your email below and to our telephone conversation on 21 April 2015.
2. I have reviewed DA0273/14 (**Consent**) and the s88B instrument that was registered.
3. I note that:
 - a. condition 49 of the Consent requires
 - i. future dwellings to have finished floor levels 500mm above the 1:100 year flood level; and
 - ii. the registration of a positive covenant on the title of the subdivided allotments to that effect;
 - b. (although it seems to contradict other conditions of the Consent which envisage some filling may take place) condition 51 of the Consent prohibits filling of the proposed lots and also requires a covenant to be placed on title to that effect.
4. The s88B instrument that you have provided to me contains the above covenants in favour of the Council.

Advice required

5. For the purposes of the restriction in condition 49 and the s88B instrument:
 - a. what would be the meaning of 'dwelling'?
 - i. does it include a garage under the main roof of the dwelling;
 - ii. does it include a verandah under the main roof of the dwelling?
 - b. if a garage is part of the 'dwelling', what process should Council follow to vary the restriction to allow a garage to be located at natural ground level; and
 - c. if Council does vary the floor height of the garage, what if any are the liability issues for Council should the garage flood?
6. In terms of the restriction on filling:
 - a. what process if any should Council go through to vary this restriction;
 - b. can the variation be extended to a ramp that would allow access to a raised garage located at the dwelling floor level;

Advice

7. The word 'dwelling' is not defined in the Consent or the s88B instrument.
8. Nor is it defined in the EPA Act under which it was made.
9. It would therefore have its ordinary meaning as '*a place of residence or abode: a house*'.
10. In my view, a garage that forms part of the structure of such a building would most likely be considered to be a part of that dwelling. If so, the garage is required by the condition and the covenant on title to be located at the 1:100 year flood level.
11. The position in relation to the verandah is not so clear. I have my doubts that the surface of the verandah is a floor of the dwelling.
 - a. My understanding is that this area is not enclosed.

- b. Further, noting that the object of flood level requirements relates to flood safety, there seems less warrant to presume that inundation of a verandah is of the same level of concern as inundation of internal areas, so it may not have been the intention of the draftsman to include these areas as 'floors'.
12. Assuming, however, for arguments sake, that both the verandah and garage are part of the dwelling, but that there is no flood planning reason to maintain those restrictions, the condition and the covenant is enforceable and binding.
13. Therefore, to overcome those restrictions, the Council would need to:
- a. vary the covenant; and
 - b. approve any consent for the dwelling subject to a condition requiring the modification of condition 49 before the development is carried out.
14. Before it could grant consent, it would need to satisfy itself as required by clause 6.2 of the *Mid-Western Regional Local Environmental Plan 2012* as follows:
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
- (a) *is compatible with the flood hazard of the land, and*
 - (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
 - (c) *incorporates appropriate measures to manage risk to life from flood, and*
 - (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
 - (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*
15. In order to vary the covenant, and as it is in favour of the council, s88E of the *Conveyancing Act 1919* allows the covenant to be varied with the consent of the Council and the persons with an estate or interest in the land:
- (7) *A restriction or public positive covenant imposed pursuant to this section may be ...varied:*
- (a) *where the land affected by the restriction or public positive covenant is under the provisions of the Real Property Act 1900—by a memorandum of release or a memorandum of variation, as the case may require, in the form approved under that Act and recorded in the Register kept under that Act, or*
 - (b) *where the land so affected is not under the provisions of that Act—by a deed of release or a deed of variation, as the case may require, registered under Division 1 of Part 23,*
executed by the prescribed authority entitled to enforce the restriction or public positive covenant and, in the case of a variation of a restriction or public positive covenant, bearing the written consent of each person against whom, at the time the memorandum is recorded, or the deed registered, the restriction or public positive covenant is enforceable.
16. In order to vary condition 51, a condition can be imposed under s80A(1)(b) of the EPA Act requiring this modification of the subdivision consent; in which case the developer would subsequently need only to submit a notice to the Council under cl 97 of the EPA Reg in order to achieve the modification.
17. In terms of liability for flood, Council does not incur any liability for anything done or omitted to be done in good faith by the Council in so far as it relates to the likelihood of land being flooded or the nature or extent of any such flooding.
18. Therefore, provided that the Council approaches the above questions from a principled position relating to floodplain management, it will have no liability for any resultant damage, eg to a garage, that may occur in the event of a flood.
19. I note that the *Floodplain Development Manual* (pJ-3) identifies that it is common practice to set minimum floor levels for development, particularly for habitable rooms in residential buildings; but with the implication that there is no necessary reason to extend such restrictions to non-habitable rooms or other structures of dwellings such as garages.

20. The key considerations as to whether the condition and covenant ought to be varied in consenting to a form of dwelling on the land seem to me to be those in clause 6.2 of the *Mid-Western Regional Local Environmental Plan 2012* to which I have already referred.
21. In terms of the restriction on filling, the same approach would need to be taken to the assessment on merit of the consequences of any proposal to require the garage floor to be raised by a ramp created by filling. If that were the proposal, the covenant and condition of the subdivision consent would need to be varied in the same way as for condition 49
22. I trust that this advice is of assistance.

Regards,
Stuart

Stuart Simington
Partner
Lindsay Taylor Law yers



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6.2.2 Draft Operational Plan 2015/16

REPORT BY THE DIRECTOR CORPORATE TO 4 MAY 2015 COUNCIL MEETING

Draft Operational Plan 2015/16

GOV400043, FIN300064

RECOMMENDATION

Council:

1. **receive the report by the Director Corporate on the Draft Operational Plan 2015/16;**
2. **endorse the Amended Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2015/16 to go on public exhibition for a period of 28 days commencing Wednesday 6 May 2015; and**
3. **request a further report be presented following the exhibition period including a review of any submissions made on the Amended Delivery Program 2013/14 – 2016/17 and Draft Operational Plan 2015/16.**

Executive summary

A review of Council's Delivery Program 2013/14 – 2016/17 has been undertaken in conjunction with the development of the draft Operational Plan 2015/16. Any proposed amendments to be made to the Delivery Program, and the draft Operational Plan 2015/16 are required to be placed on public exhibition for a minimum period of 28 days. This report seeks Council resolution to place the items on exhibition, with a subsequent report to be presented to Council in June considering any submissions made, and recommending adoption of the final budget (Operational Plan) and Amended Delivery Program.

Detailed report

The Delivery Program details all of the principal activities Council will undertake to achieve the goals established in Council's Community Plan, *Towards 2030*. The draft Operational Plan for 2015/16 has been integrated into the Delivery Program and sets out the annual projects and activities to which Council are committed and includes detailed budgets for the projects and services identified under each theme, together with appropriate measures and timeframes for completion. The document includes budgets for the four years from 2015/16 to 2018/19.

If endorsed by Council, the draft documents will be published on Council's website from Wednesday 6 May 2015 for a period of 28 days.

DRAFT OPERATIONAL PLAN 2015/16

The draft Operational Plan 2015/16 has been prepared following a series of budget workshops with budget managers, executive, and Elected Members over the past 4 months. The draft Operational Plan sets out Council's proposed budget for next financial year, and the three years thereafter. The budgets are presented in the form of consolidated statements and schedules, together with a more detailed breakdown at a functional level.

The draft Operational Plan 2015/16 promotes to Council an ambitious capital works program of \$124 million over four years, including \$38 million in 2015/16 alone. Major works proposed include:

- Wollar Road upgrade of \$14 million over two years
- Bridge upgrades across the region of \$2.1 million
- Continuation of the Glen Willow walkway
- Continuation of pathways around Gulgong
- Rehabs of Ulan Road and Cope Road
- Lue Road Blackspot works of \$1.146 million
- Upgrades to a wide range of corporate and community buildings
- Construction of the Rylstone Skate Park
- Safety improvements at the Lewis and Mortimer Street intersection
- Renewal of the Robertson Park rotunda
- A new playground at the Bellevue salinity reserve
- Extensions to the Gulgong Lawn Cemetery
- Lawson Park lighting
- Improvements to the Billy Dunn and Glen Willow carparks
- Upgrades to recycling plant
- Expansions of the sewerage network
- Drainage improvements at Rifle Range Road and Denison St
- Renewals of and extensions to the Water Supply network

Operating revenue is approaching \$54 million for 2015/16, plus an estimated \$28 million in Capital Grants & Contributions, taking total anticipated income to a budget of \$82 million.

The Rates Model proposed as part of the Operational Plan includes a 2.4% rate increase, in line with the cap determined by NSW Independent Pricing and Regulatory Tribunal. The rate peg will be applied equally across all categories. Because of the removal of one-off catch ups from 2014/15, most ratepayers will see an effective increase of 1.3%.

The draft Plan includes additional borrowings of \$10 million in 2018/19, to support Water Augmentation works at Mudgee.

Operating expenditure is budgeted at \$55.8 million for 2015/16, with annual increases constrained to CPI.

Based on proposed budget figures, Council will achieve satisfactory results in key financial performance indicators, including the Unrestricted Current Ratio, and the Debt Service Ratio; and improving performance across the term of the draft budget in Operating Performance Ratio and Own Source Revenue Ratio.

AMENDMENTS TO THE DELIVERY PROGRAM 2013/14 – 2016/17

The Integrated Planning and Reporting Guidelines require proposed amendments to the Delivery Program to be included in a Council business paper, outlining the reasons for the amendment. The proposals are to be tabled and considered by the Council at its next meeting. Where significant amendments are proposed, the Program must be re-exhibited for a minimum period of 28 days.

Theme 1: Looking after our community

Goal 1.1: A safe and healthy community

Strategy 1.1.3 Support networks, programs and facilities which promote health and wellbeing and encourage healthy lifestyles					
DELIVERY PROGRAM 2013/14 - 2016/17		OPERATIONAL PLAN (2015/16 PLAN - THE THIRD YEAR OF THE DELIVERY PROGRAM)			
ACTION	TIMEFRAME	PROJECT/SERVICE	MEASURE	TIMEFRAME	RESPONSIBILITY
Promote and support programs aimed at increasing community health and wellbeing	30/06/2017	Provide funding for Healthy Communities initiatives	Funding providing and initiatives delivered	30/06/2016	Community Services

This is a proposed new Delivery Program action, capturing Council's intention to provide funding towards Healthy Community initiatives. The existing Delivery Program did not have an action which adequately articulated Council's commitment to programs supporting community health and wellbeing.

Strategy 1.1.4 Work with key partners and the community to reduce crime, anti social behaviour and improve community safety					
DELIVERY PROGRAM 2013/14 - 2016/17		OPERATIONAL PLAN (2015/16 PLAN - THE THIRD YEAR OF THE DELIVERY PROGRAM)			
ACTION	TIMEFRAME	PROJECT/SERVICE	MEASURE	TIMEFRAME	RESPONSIBILITY
Work effectively with State Agency partners to maintain and enhance public safety	30/06/2017	Update of Displan to new Emergency Plan	Plan updated	30/06/2016	Plant & Facilities
Effective public health regulation and continuing education	30/06/2017	Work in partnership with the NSW Food Authority in addressing matters such as food premises inspections, safe food handling and food borne illness investigations	Number of food complaints		Health & Building
		Continued support and promotion of Scores on Doors initiative	Number of businesses participating in program	30/06/2016	Health & Building
		Onsite sewerage management registration and inspections	Number of instances of unapproved onsite systems	30/06/2016	Health & Building

These two actions above are proposed new Delivery Program actions, capturing Council's ongoing relationship with State Agencies across fire control and emergency services; and Council's role as a health regulator. Neither of these services are adequately captured in existing Delivery Program actions.

Goal 1.2: Vibrant towns and villages

Strategy 1.2.4 Maintain and promote the aesthetic appeal of the towns and villages within the Region					
DELIVERY PROGRAM 2013/14 - 2016/17		OPERATIONAL PLAN (2015/16 PLAN - THE THIRD YEAR OF THE DELIVERY PROGRAM)			
ACTION	TIMEFRAME	PROJECT/SERVICE	MEASURE	TIMEFRAME	RESPONSIBILITY
Application of appropriate building and development controls to protect and enhance the natural and built environment of the Mid-Western Region	30/06/2017	Delivery of statutory and strategic planning functions, and building regulation in accordance with relevant legislation and adopted planning instruments	Number of applications Processing times	30/06/2016	Statutory Planning Strategic Planning Health Building &

The proposed Delivery Program action above is a new item, capturing Council's ongoing functions of statutory and strategic planning, and building regulation. Again, the existing Delivery Program did not have an action that comfortably encompassed these important aspects of Council's role.

Theme 4: Connecting our region

Goal 4.1: High quality road network that is safe and efficient

Strategy 4.1.3 Develop and enhance walking and cycling networks across the Region					
DELIVERY PROGRAM (2014/17)		OPERATIONAL PLAN (2015/16 PLAN - THE THIRD YEAR OF THE DELIVERY PROGRAM)			
ACTION	TIMEFRAME	PROJECTS/SERVICE	MEASURE	TIMEFRAME	RESPONSIBILITY
Implement the Pedestrian Access Mobility Plan	30/06/2017	Upgrade and renewal of footpaths and cycleways in accordance with Capital Works Program 2015/16	Works completed on schedule and on budget	30/06/2016	Roads
		Maintain existing footpath and cycleway network in accordance with established levels of service	Network maintained in accordance with agreed service levels	30/06/2016	Roads
		Extension of Cudgegong River shared pathway to Glen Willow/Putta Bucca	Works completed on schedule and on budget	30/06/2016	Roads

The item above is proposing a change from "Implement the Pathways Strategic Plan" to "Implement the Pedestrian Access Mobility Plan" as the Pathways Strategic Plan will be superseded by the PAMP.

Theme 5: Good government

Goal 5.1: Strong civic leadership

Strategy 5.1.2 Provide accountable and transparent decision making for the community					
DELIVERY PROGRAM (2014/17)		OPERATIONAL PLAN (2015/16 PLAN - THE THIRD YEAR OF THE DELIVERY PROGRAM)			
ACTION	TIMEFRAME	PROJECTS/SERVICE	MEASURE	TIMEFRAME	RESPONSIBILITY
Ongoing review and enhancement of governance framework	30/06/2017	Continue to hold "Open Day" prior to Council Meetings	Open Day forum held prior to commencement of Council meeting	30/06/2016	Governance
		Webcast of Council Meetings	Number of online views of Council Meetings	30/06/2016	Governance
		Promotion of upcoming Council meetings			
		Installation of Audio Loop in Council Chambers	Audio loop installed	30/06/2016	Information Communication & Technology
Provide professional development opportunities to support elected members in fulfilling their obligations as councillors	30/06/2017	Provide access to professional development programs for elected members	Attendance at Councillor focused training	30/06/2016	Governance
Hold awareness sessions for potential candidates in the six months leading up to each Council election and ensure information packages are available	30/06/2017	Develop program for candidate awareness sessions	Program developed and scheduled	30/06/2016	Governance

The above table includes one proposed change to an existing action, and two proposed new actions.

In the existing Delivery Program, our strategy of *Provide accountable and transparent decision making for the community* had only one Action over the four year period, being "Conduct Open Days twice per month". This is unnecessarily narrow. It is recommended to broaden the action to "Ongoing review and enhancement of governance framework", which would include the conduct of Open Days as an Operational Plan service.

IT is also proposed to include other Actions to be undertaken before the end the current Delivery Program period (30 June 2017), covering the ongoing professional development program for

Elected Members and conduct of awareness sessions for potential candidates in the lead up to the 2016 elections.

Goal 5.3: An effective and efficient organisation

Strategy 5.3.1 Pursue excellence in service delivery					
DELIVERY PROGRAM (2014/17)		OPERATIONAL PLAN (2015/16 PLAN - THE THIRD YEAR OF THE DELIVERY PROGRAM)			
ACTION	TIMEFRAME	PROJECTS/SERVICE	MEASURE	TIMEFRAME	RESPONSIBILITY
Provide effective and efficient internal support functions, and undertake regular service reviews	30/06/2017	Conduct quarterly Council Staff Updates across all work sites	4 meetings held	30/06/2016	Executive
		Engage with the community on desired levels of service across Council functions	Number of LOS discussions	30/06/2016	Corporate & Economic Development
		Develop program of internal service reviews	Target 4 service reviews per annum	30/06/2016	Corporate & Economic Development
		Provide effective Workshop services for Council fleet	Downtime of Council fleet Programmed maintenance	30/06/2016	Plant & Facilities
		Effective capture and management of corporate records	Compliance with State Records Act	30/06/2016	Customer Service
		Ongoing enhancements to Council procurement including Roadmap Best Practice Procurement project	Roadmap project completed	30/06/2016	Procurement

The item above is proposing a change from “Reflect on service provision and review work regularly” to “Provide effective and efficient internal support functions, and undertake regular service reviews”. The proposed change creates a broader Delivery Program action, capable of more clearly encompassing important internal business support functions such as Council workshop, corporate records management, and procurement.

The proposals recommended by staff are not considered to be significant amendments, however as MWRC has integrated its Operational Plan into the Delivery Program, it will form part of the public exhibition process, and again, any submissions received will be reported back to Council in June.

Financial and Operational Plan implications

The draft Operational Plan 2015/16 as attached to this report recommends to Council the proposed budget for the next four years. While the draft Operational Plan is out for public exhibition, staff will be updating the Long Term Financial Plan to reflect the proposed budget, with the LTFP to be presented to the June Council Meeting for endorsement.

Community Plan implications

The Amended Delivery Program 2013/14 – 2016/17 and draft Operational Plan 2015/16 are key elements in Council's suite of integrated planning documents. The Delivery Program and Operational Plan articulate to Council and the Community what actions and services Council will provide, and how those activities will be funded. There are clear links between the Outcomes, Goals and Strategies of the Community Plan; the Actions of the Delivery Program; and the Projects/Services of the Operational Plan.

CLARE PHELAN
DIRECTOR, CORPORATE

23 April 2015

Attachments: 1. DRAFT Amended Delivery Program 2013/14 – 2016/17 including the Operational Plan 2015/16 (included at the end of the business paper).

APPROVED FOR SUBMISSION:

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BRAD CAM
GENERAL MANAGER

6.2.3 Reconsideration of Offer to Purchase 45 Dunn Street Kandos

REPORT BY THE DIRECTOR CORPORATE TO 4 MAY 2015 COUNCIL MEETING

Offer to purchase 45 Dunn Street Kandos

GOV400043, P1985111

RECOMMENDATION

That Council:

1. **receive the report by the Director Corporate on the Reconsideration of Offer to Purchase 45 Dunn Street Kandos;**
2. **accepts the offer as disclosed in Attachment 2 appended in the Confidential Section of this Business Paper for the purchase of Allotment 1 DP 1192154, being 45 Dunn Street Kandos; and**
3. **amend the Operational Plan for 2014/2015 to reflect the proposed sale proceeds and subsequent transfer to Land Development Reserve of allotment 1 DP 1192154.**

Executive summary

At the 18 March 2015 ordinary meeting, Council received a report on an offer to purchase 45 Dunn Street, Kandos. No resolution was able to be achieved on the matter, as such the report is now represented to Council for determination, together with additional information on events in the intervening period.

Officers recommendation to Council remains as per the recommendation to the 18 March 2015 Council meeting.

Detailed report

On 3 September 2014, Council resolved to sell 45 Dunn Street Kandos and authorised the General Manager to negotiate a sale within 10% of the market appraisal. For reference, the report to Council of 3 September 2014 is appended as Attachment 1 to this Report and the market appraisal, is appended as Attachment 3 in the Confidential Section of this Business paper.

The property was placed for sale with First National Kandos Rylstone in October 2014. There was no genuine interest in the property until the first quarter of this calendar year. First National Kandos Rylstone introduced a prospective buyer who made an offer to purchase the property at a price that is below the market appraisal. As this offer was also outside the General Manager's negotiation delegation, the proposal was referred to Council for consideration. The real estate agent had stated in the covering letter to the offer, that the market in Kandos is slow for vacant land. The agent subsequently advised vacant land can take up to 18-24 months to sell and indicated 2 additional comparable vacant blocks have recently been listed with the agency. Given the current market conditions, the recommendation to Council was for the offer to be accepted.

For reference, the report to Council of 18 March 2015 is appended as Attachment 2 to this Report (confidential attachments from 18 March 2015 are included as Attachments 4 and 5).

At the meeting where the item was considered, an alternative motion was put, contemplating the donation of the land to Kids & Carers, subject to fees including agents fees owing to be paid by the Kids and Carers Support Group. The proposals was subject to the organisation becoming incorporated, and if the project was not started within 5 years the land as to return to Council at no cost. Ultimately, no decision was able to be reached on the matter.

During the intervening period, the prospective purchaser, Kids & Carers Support Group Kandos/Rylstone, obtained registration as an incorporated association in New South Wales under the *Associations Incorporation Act 2009*. The Group has confirmed its interest in acquiring the site remains.

Staff recommendation remains unchanged. Council has a finite amount of assets surplus to requirements, where a market exists to provide a return on disposal, ie land. Council received a genuine, arms-length offer to acquire the parcel of land, albeit below market value. It is recommended Council accept the original offer.

However, should Council contemplate gifting the land to Kids & Carers, it is recommended Kids & Carers be responsible for any associated legal costs, together with the applicable agents commission. Additionally, the contract associated with the land transfer should include a condition that the proposed Kids & Carers premises are to be constructed and operational within a period of five years from the date of the Council resolution. Failure to achieve this milestone would result in the Title reverting back to Council. A caveat to this effect would need to be registered on the Title.

Financial and Operational Plan implications

Should the offer be accepted, the Operational Plan 2014/2015 will be amended to reflect the proposed sale proceeds of this land and the net sale proceeds will be transferred to the Land Development Reserve with the Operational Plan 2014/15 amended accordingly.

Community Plan implications

This report meets Community Plan:
Theme 5 Good Government
Goal 5.3 An effective and efficient organisation

CLARE PHELAN
DIRECTOR, CORPORATE

27 April 2015

- Attachments:*
1. Report to Council 18 March 2015 – Offer to Purchase 45 Dunn Street Kandos
 2. Report to Council 3 September 2014 – Proposed Sale of 45 Dunn Street Kandos
 3. Certification of Incorporation as an Association – Kids & Carers Support Group Kandos/Rylstone
 4. Offer to Purchase 45 Dunn Street (appended to the Confidential Section of this Business Paper)
 5. Market Appraisal (appended to the Confidential Section of this Business Paper)

APPROVED FOR SUBMISSION:

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BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

1.1.1 Offer to Purchase 45 Dunn Street Kandos

REPORT BY THE REVENUE & PROPERTY MANAGER TO 18 MARCH 2015 COUNCIL MEETING
Offer to purchase 45 Dunn Street Kandos
GOV400043, P1985111

RECOMMENDATION

That:

1. the report by the Revenue & Property Manager on the Offer to Purchase 45 Dunn Street Kandos be received;
2. Council accepts the offer as disclosed in Attachment 2 appended in the Confidential Section of this Business Paper for the purchase of Allotment 1 DP 1192154, being 45 Dunn Street Kandos;
3. the Operational Plan for 2014/2015 be amended to reflect the proposed sale proceeds of allotment 1 DP 1192154;
4. the sale proceeds of Allotment 1 DP 1192154 be transferred to the Land Development Reserve with the Operational Plan 2014/2015 amended accordingly.

Executive summary

This report seeks to secure a resolution to accept a proposal to purchase Council's land located at 45 Dunn Street Kandos for the amount disclosed in Attachment 2 appended in the Confidential Section of this Business paper.

Detailed report

On 3 September 2014, Council resolved to sell 45 Dunn Street Kandos and authorised the General Manager to negotiate a sale within 10% of the market appraisal. For reference, the report to Council of 3 September 2014 is appended as Attachment 1 to this Report and the market appraisal, is appended as Attachment 3 in the Confidential Section of this Business paper.

The property was placed for sale with First National Kandos Rylstone in October 2014. There has been no genuine interest in the property until now. First National Kandos Rylstone has introduced a prospective buyer who has made an offer to purchase the property at a price that is below the market appraisal. As this offer is also outside the General Manager's negotiation delegation, the proposal has been referred to Council for consideration.

The real estate agent has stated in the covering letter to the offer, that the market in Kandos is slow for vacant land. The agent has subsequently advised that vacant land can take up to 18-24 months to sell and indicated that 2 additional comparable vacant blocks have recently been listed with the agency.

Given the current market conditions, the recommendation to this Report is that Council accept the current offer.

Financial and Operational Plan implications

Should the offer be accepted, the Operational Plan 2014/2015 will be amended to reflect the proposed sale proceeds of this land and the net sale proceeds will be transferred to the Land Development Reserve with the Operational Plan 2014/15 amended accordingly.

Community Plan implications

This report meets Community Plan:

Theme 3 - Building a Strong Local Economy
Goal 3.2 - An attractive business and economic environment
Strategy 3.2.4 – Develop tools that simplify development processes and encourage high quality commercial and residential development

DIANE SAWYERS
REVENUE & PROPERTY MANAGER

CLARE PHELAN
DIRECTOR, CORPORATE

4 March 2015

Attachments:

1. Report to Council 3/9/2014 – Proposed Sale of 45 Dunn Street Kandos
2. Offer to Purchase 45 Dunn Street (appended to the Confidential Section of this Business Paper)
3. Market Appraisal (appended to the Confidential Section of this Business Paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

ATTACHMENT 1

1.1.1 Proposed Sale of 45 Dunn Street Kandos



REPORT BY THE REVENUE & PROPERTY MANAGER TO 3 SEPTEMBER 2014 COUNCIL MEETING
 Proposed Sale of 45 Dunn Street Kandos
 GOV400038, P1985111

RECOMMENDATION**That:**

1. **the report by the Revenue & Property Manager on the Proposed Sale of 45 Dunn Street Kandos be received;**
2. **Council approve the sale of Lot 1 DP 1192154, 45 Dunn Street Kandos;**
3. **the General Manager be authorised to negotiate the sale price for Lot 1 DP 1192154 within 10% of the current market appraisal, as attached in the confidential section;**
4. **the Common Seal of Council be affixed to all necessary documentation for the sale of Lot 1 DP 1192154;**
5. **the sale proceeds be transferred to the Land Development Reserve.**

Executive summary

This report seeks to secure a resolution to the proposal to sell a surplus allotment located at 45 Dunn Street Kandos.

Detailed report

The following resolutions form the premise for the sale and subsequent allocation of funds in relation to 45 Dunn Street Kandos.

At its Council Meeting on 16 August 2006, Council passed a resolution that stated:

"That where any assets are sold in the former Rylstone Shire, Council give consideration to expending these funds in the former Rylstone Shire area." and;

At its Council Meeting on 7 February 2007, Council passed a resolution that stated:

"Council agrees in principle to sell land no longer required for operational or strategic purposes."

Prior to the registration of the subdivision on 19 May 2014, 45 Dunn Street comprised 2 separate vacant freehold allotments owned by Council with a total area of approximately 2,000m². Impediments in relation to the use and sale of this property included an undedicated constructed road, being the northerly extension of Mason Street that traversed the property to the east and transmission lines that run along the constructed road corridor. Upon registration of the subdivision, Lot 1 DP 1192154 was created and the northern extension of Mason Street was formally dedicated as public road. The transmission lines were incorporated into the dedicated road reserve area.

Lot 1 DP 1192154 has a total area of 851 m², is zoned RU5 Village and is classified as Operational land. The property is not required for operational or strategic purposes and is considered surplus to Council's needs.

Market appraisals were canvassed from 2 Rylstone/Kandos real estate agents. Only one response was forthcoming with the appraisal attached in the confidential section of this business paper. It is proposed the marketing of the property be placed with this agent.

A resolution is now sought to sell the property for residential purposes.

Development & Community Services Comment

The subject site measures 851m², has three road frontages and is zoned RU5 village, dwellings are permissible with the consent of Council. The site contains an easement for sewer three (3) wide along the western boundary (a copy of plan indicating this sewer easement is provided as Attachment 3) which presents a constraint for the future design of a dwelling as the easement cannot be built over.

The block is irregular in shape which also presents a constraint for the future design of a dwelling. At the building line (the site on the block in which a future purchaser may locate a dwelling) 4.5 metres and 5.5 metres for the garage from the McLachlan Street. Council's Development Control Plan requires a three (3) metres setback from the secondary frontage for corner allotments, this leaves a future purchaser with a maximum width of approximately 15 metres to design and build a dwelling. The width of a very standard dwelling at the front building line is approximately 12 / 13 metres, therefore the site is constrained and any future dwelling would require a considered design.

It would be unlikely that a future purchaser could seek approved for a dwelling under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 as Complying Development, they would be required to lodge a Development Application with Council.

Further it should be noted, the site does meet the 800m² minimum for an attached Dual Occupancy, however the irregular shape of the lot (becoming very narrow approximately 9 metres at the Dunn Street frontage) does not support the future development with the Dual Occupancy.

Financial and Operational Plan implications

The Operational Plan 2014/2015 reflect the proposed sale proceeds of this land.

Community Plan implications

The proposed sale of Lot 1 DP 1192154 sits under theme 3 Building a Strong Local Economy, Goal 3.2.4 – Develop tools that simplify development processes and encourage high quality commercial and residential development.

DIANE SAWYERS
REVENUE & PROPERTY MANAGER



LEONIE JOHNSON
ACTING DIRECTOR, FINANCE AND ADMINISTRATION

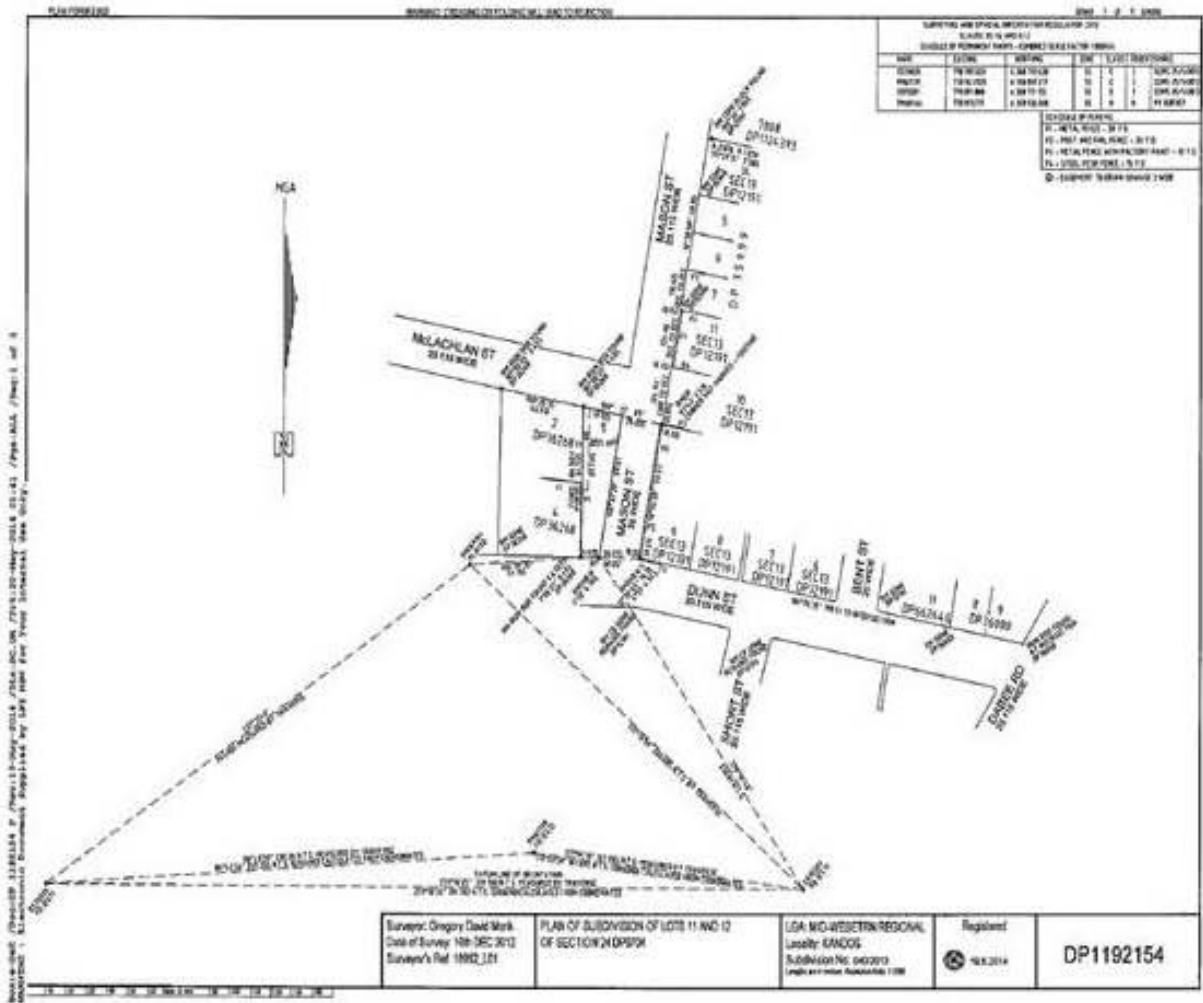
15 August 2014

- Attachments:*
1. Plan Lot 1 DP 1192154
 2. Plan Lot 1 DP 1192154 – Aerial View
 3. Plan indicating the approximate location of Council's sewer main
 4. Market Appraisal (included in the confidential section of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER



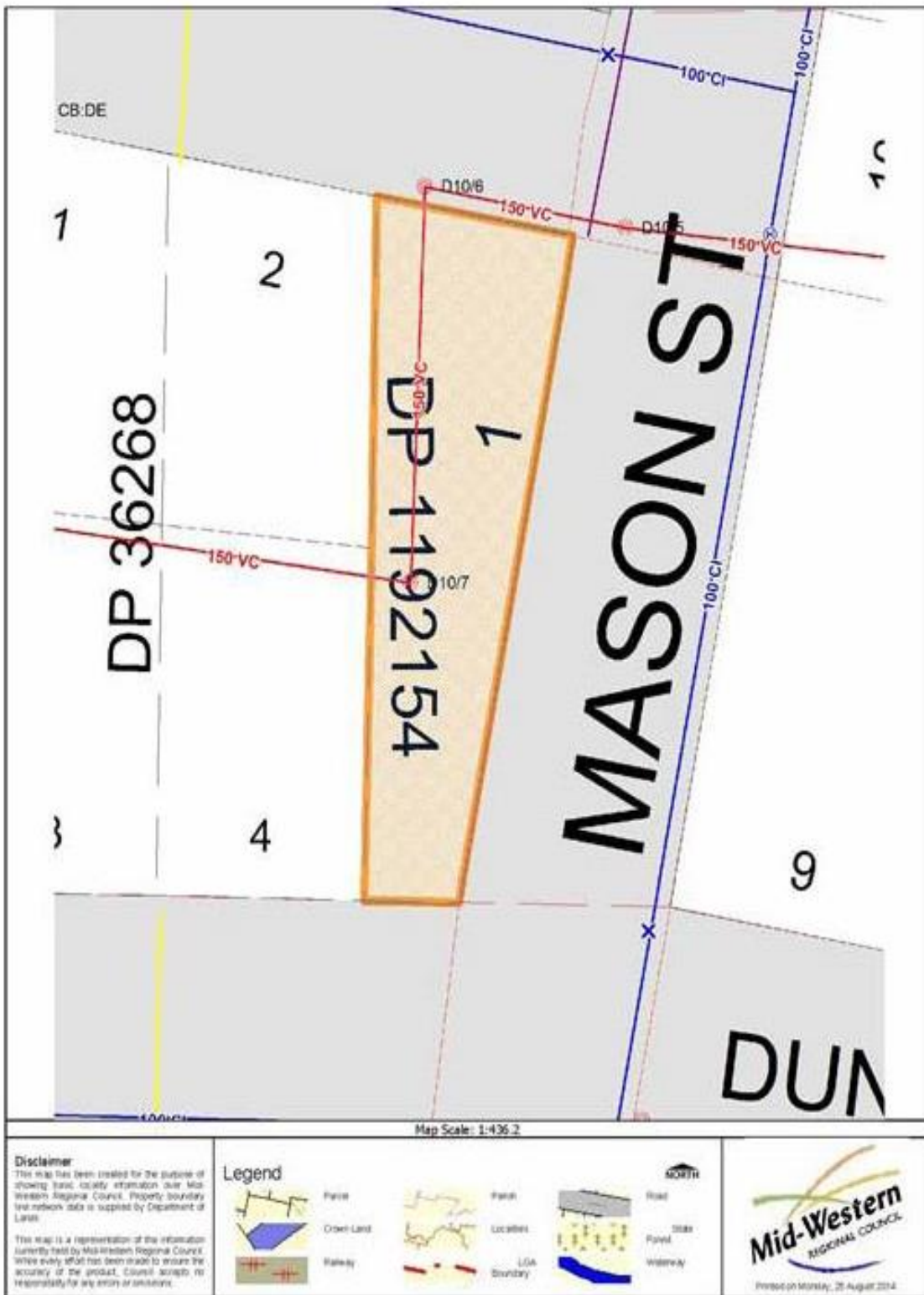


Map Scale: 1:1,910M

Disclaimer:
 This map has been created for the purpose of showing general location information and does not constitute a legal boundary. The information is supplied by the Department of Land Use Management.
 This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product Council accepts no responsibility for any errors or omissions.

Legend - Lot 1 DP 1192154





1.1.1 Proposed Sale of 45 Dunn Street Kandos

REPORT BY THE REVENUE & PROPERTY MANAGER TO 3 SEPTEMBER 2014 COUNCIL MEETING
Proposed Sale of 45 Dunn Street Kandos
GOV400038, P1985111

RECOMMENDATION

That:

1. the report by the Revenue & Property Manager on the Proposed Sale of 45 Dunn Street Kandos be received;
2. Council approve the sale of Lot 1 DP 1192154, 45 Dunn Street Kandos;
3. the General Manager be authorised to negotiate the sale price for Lot 1 DP 1192154 within 10% of the current market appraisal, as attached in the confidential section;
4. the Common Seal of Council be affixed to all necessary documentation for the sale of Lot 1 DP 1192154;
5. the sale proceeds be transferred to the Land Development Reserve.

Executive summary

This report seeks to secure a resolution to the proposal to sell a surplus allotment located at 45 Dunn Street Kandos.

Detailed report

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Further it should be noted, the site does meet the 800m² minimum for an attached Dual Occupancy, however the irregular shape of the lot (becoming very narrow approximately 9 metres at the Dunn Street frontage) does not support the future development with the Dual Occupancy.

Financial and Operational Plan implications

The Operational Plan 2014/2015 reflect the proposed sale proceeds of this land.

Community Plan implications

The proposed sale of Lot 1 DP 1192154 sits under theme 3 Building a Strong Local Economy, Goal 3.2.4 – Develop tools that simplify development processes and encourage high quality commercial and residential development.



DIANE SAWYERS
REVENUE & PROPERTY MANAGER

LEONIE JOHNSON
ACTING DIRECTOR, FINANCE AND ADMINISTRATION

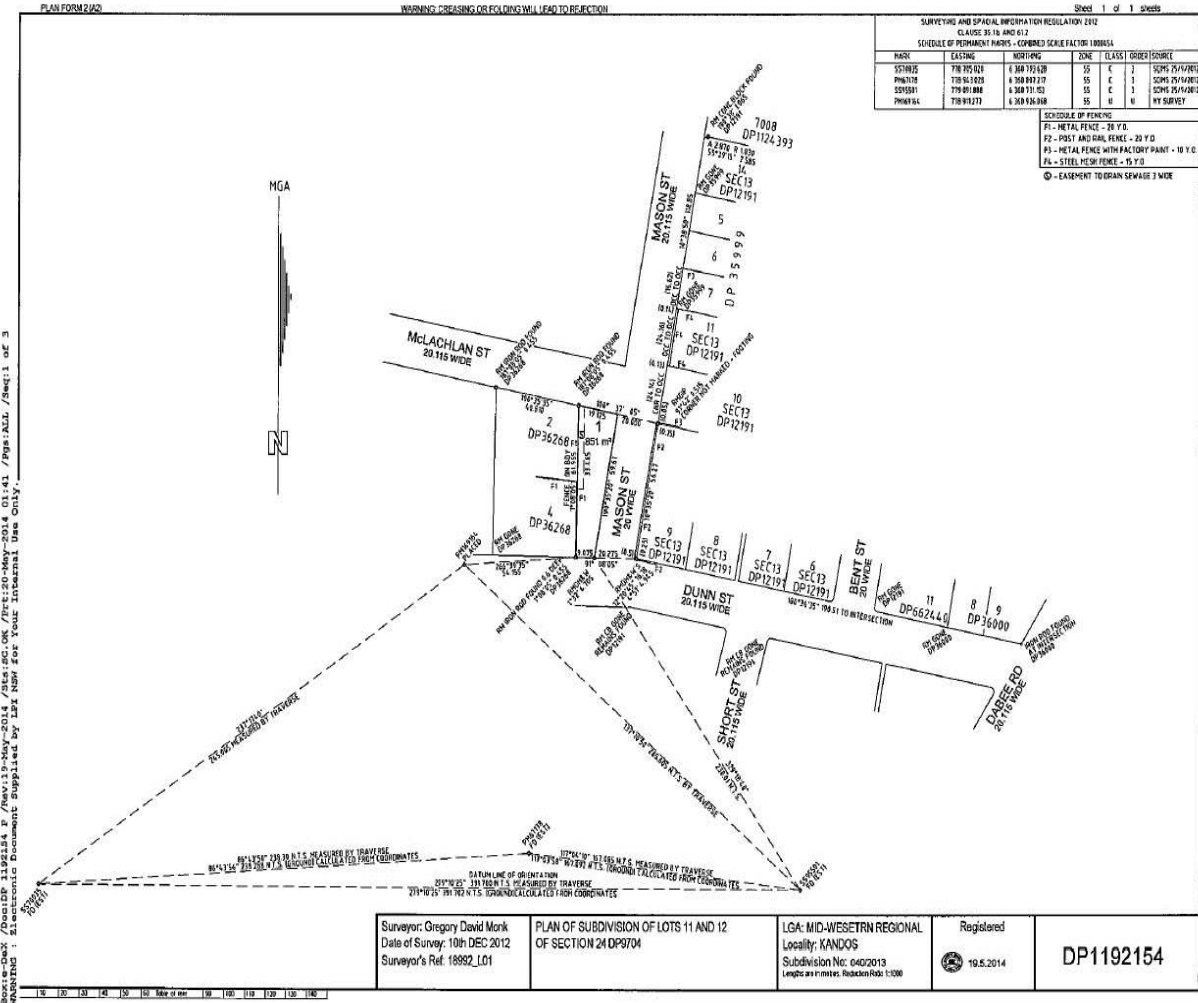
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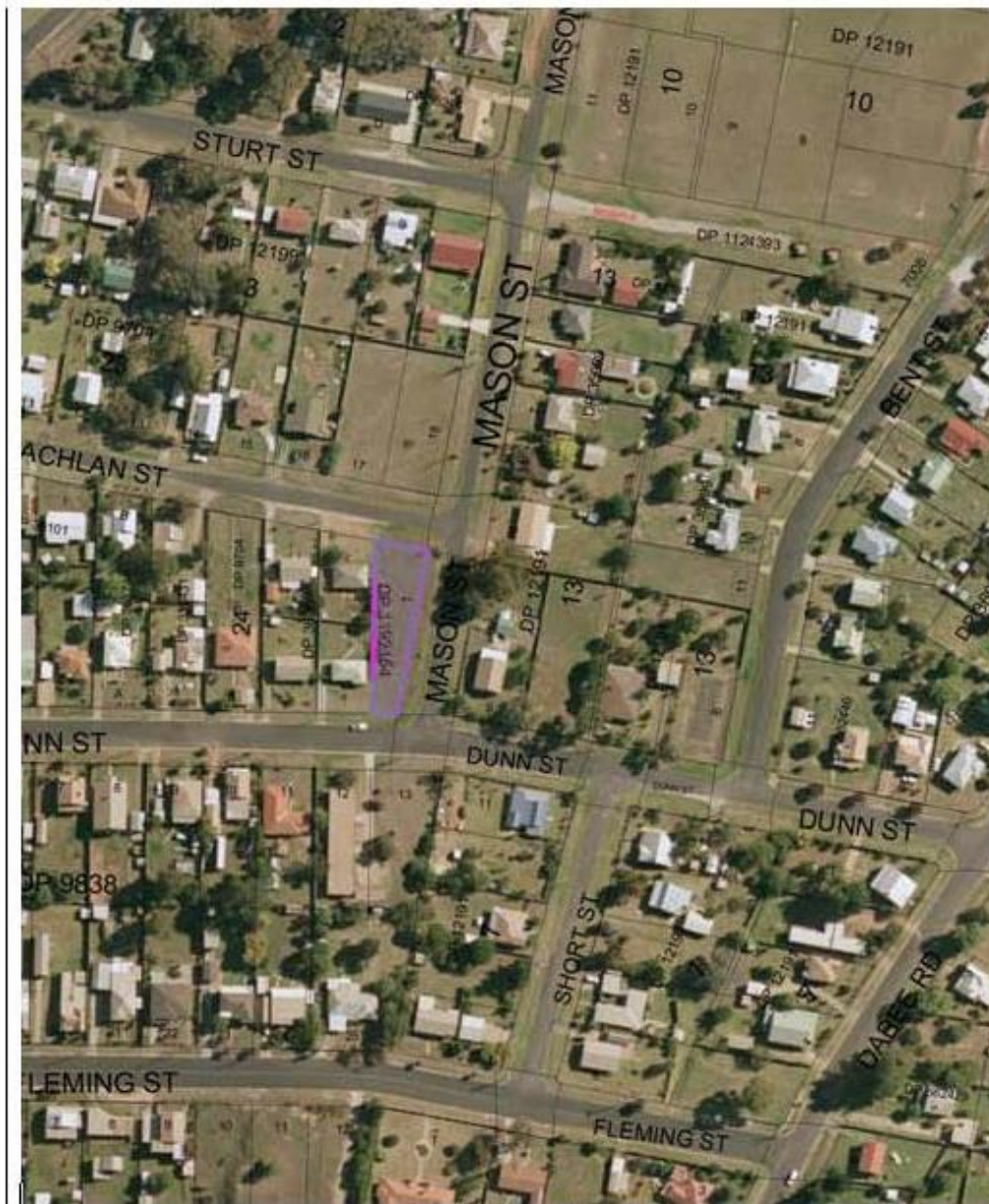
APPROVED FOR SUBMISSION:

A handwritten signature in black ink, appearing to be the name 'BRAD CAM', written over a horizontal line.

BRAD CAM
GENERAL MANAGER



ATTACHMENT 2

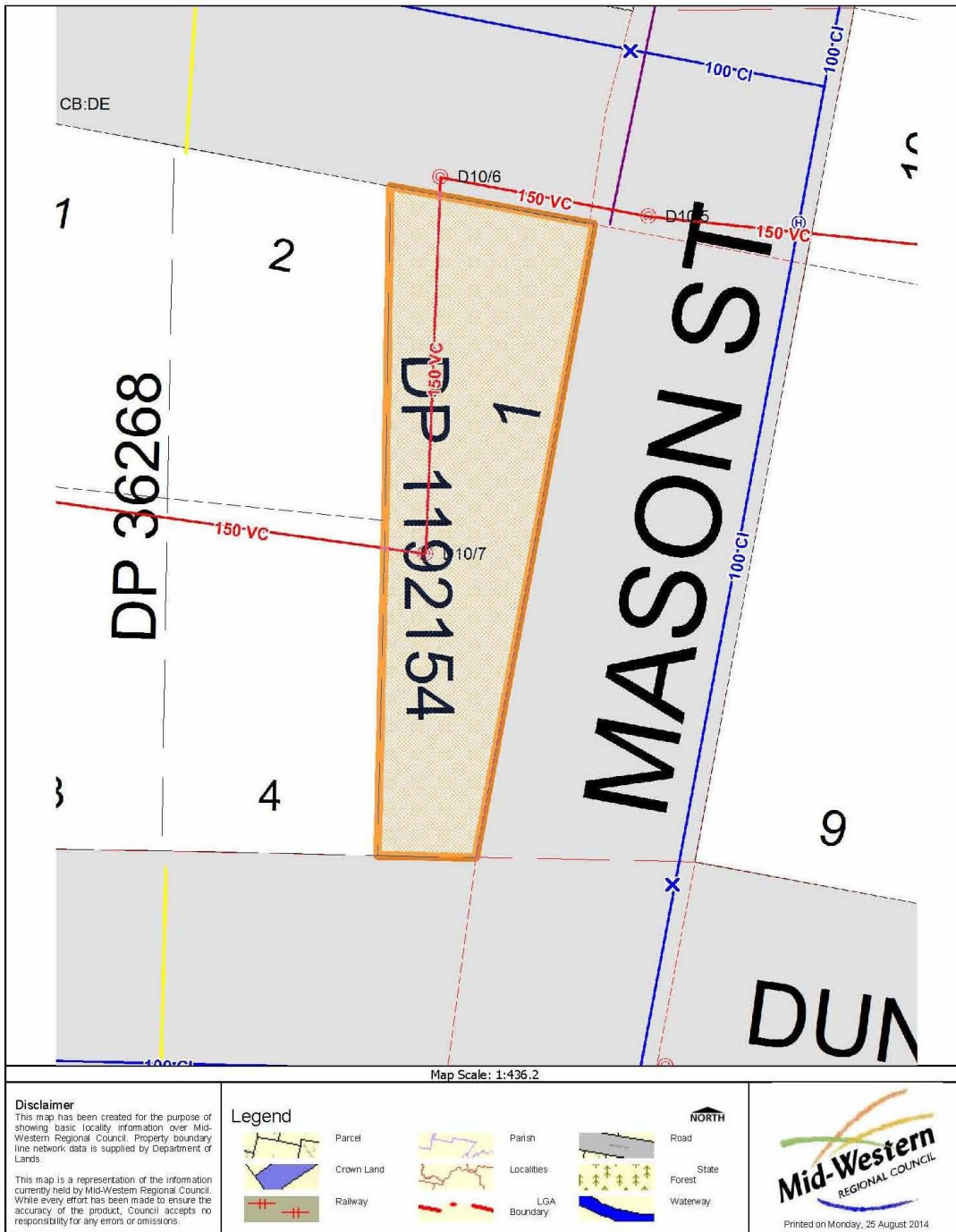


Map Scale: 1:1,910

Disclaimer
 This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council's property boundary. The map is based on data supplied by Department of Lands.
 This map is a representation of the information currently held by Mid-Western Regional Council. Whilst every effort has been made to ensure the accuracy of the product Council accepts no responsibility for any errors or omissions.

Legend - Lot 1 - DP 1192154

Printed on Wednesday, 20 August 2014





Certificate of Incorporation as an Association

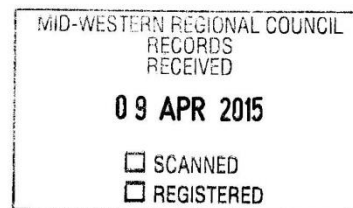
THIS IS TO CERTIFY that the undermentioned Association is registered as an incorporated association in New South Wales under the *Associations Incorporation Act 2009*.

Association Name: **KIDS & CARERS SUPPORT GROUP
KANDOS/RYLSTONE INCORPORATED**

Incorporation No: **INC1500451**

Date of Incorporation: **1 April 2015**

Issued on 1 April 2015



**Rod Stowe
Commissioner
NSW Fair Trading**

Mission Statement

Our Mission is to raise funds to buy land which will enable us to set up a Community House in our local area for people with disabilities who are in need of respite care

- The Goals of Kids & Carers Support Group Kandos/Rylstone is to raise funds to buy land
- To provide through fundraising a multipurpose house designed to allow hands on learning For people with a disability, and to have respite care within the communities of Kandos/Rylstone and outlining Villages
- To engage public awareness and proactive involvement in position an ongoing community based approach care and education of people with disabilities
- To promote local state and Australian Government Bodies in the support and the maintenance of quality services for the disabled.

- **Make sure land is suitable for all building requirements**
- **Source appropriate house design and arrange for solid quotations**
- **Once quotations sourced, take to meeting for committee approval**
- **Acquire the land**
- **Arrange/exchange contracts with the solicitor and the parties involved**
- **Council DA approval and appropriate documents to be certified**
- **Apply for appropriate grants for funding of the house**
- **Continue with fundraising**
- **Preparation of block for construction of house**
- **Engage successful contractor**
- **Arrange/exchange contracts with successful contractor**
- **Commence construction**
- **Constant liaison with relevant government departments/local members of parliament**
- **Once house is constructed, arrange for a press release "grand opening"**
- **Official handover of the house to the relevant government department that will be doing the day to day management of the house/etc**

Rules

Name of the Organisation shall be.... Kids & Carers Support Group Kandos/Rylstone

Objectives 1 To build a support network of professional, parents and families and welfare groups and individuals recognized in facilitating all possible resources and facility's to ensure the enhancement of Life Skills and independence of all disabled people in our communities

- 2 To engage public awareness and proactive involvement in positioning an on going community based approach to the care and education of people with disabilities.
- 3 To provide through fundraising a multi purpose house designed to allow hands on learning to disable people within the communities of Kandos/Rylstone and outlying villages.
- 4 To promote local state and Australian Government Bodies in the support and maintenance of quality services for the disabled.

Non – Distribution of Profits

- (1) the income and property of the organisation , however derived, shall , subject to any obligations under charitable trust law or any other statutory requirements, be used and applied solely in the promotion of its objects and in the exercise of powers conferred upon it by the rules
- (2) No portion of this income and property shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit to or amongst the members of the Organisation.
- (3) The requirement contained in (2) shall not, however , prevent the payment in good faith of:
 - (a) interest (provided it is based on the prevailing rate of interest charged by banks ,building societies or credit unions for unsecured loans) to any such member in respect of moneys advanced by that member to the Organisations, otherwise owing by the Organisation to the member: or
 - (b) any remuneration to any officcrs or servants of the Organisation or any other person in return for any services genuinely rendered to the Organisation.

MEMBERSHIP

- (1) Application for membership shall be made in writing, signed by the applicant , and shall be in such form and contain such requirements as the Management Committee from time to time prescribes.
- (2) As soon as practicable after the receipt of an application for membership, it shall be considered by the Management Committee, who shall thereupon determinc upon the admission or rejection of the applicant. The Committee is required to give a reason for the rejection of an application, if requested by the applicant.
- (3) A register of members shall be kept showing the name, address and the date of commencement of membership.

MANAGEMENT

The management of the Organisation shall be vested in a Management Committee consisting of the Office –bearers and other members.

No member of the Management Committee shall be appointed to any salaried office of the Organisation or any office of the Organisation paid by fees and no remuneration or other benefit in money or money's worth shall be given by the Organisation to any member of the Management Committee except repayment of reasonable out –of- pocket expenses.

OFFICE –BEARERS

The office – bearers shall consist of a President, Secretary, Treasurer, and such other officers as shall be decided by the members of the Organisation at the Annual General Meeting. The office –bearers and the other members of the Management Committee shall be elected annually at the Annual General Meeting. Any casual vacancy occurring among the office-bearers may be filled by the Committee and the person so appointed to fill such vacancy shall hold office for the unexpired term of the member so replace.

PROCEEDINGS OF THE MANAGEMENT COMMITTEE

- (1) the Management Committee may meet together for the dispatch of business, adjourn and otherwise appoint and regulate its meetings as it thinks fit. The President may at any time and the Secretary on the requisition of any two members of the Committee summon a meeting of the Committee.
- (2) Questions arising at any meeting of the Committee shall be decided by a majority of votes of those present, and a determination by a majority of the members of the Committee present shall for all-purpose be a determination of the Committee. In case of an equality of votes the Chairmen of the meeting shall have a second or casting vote.
- (3) The continuing member of the Committee may act notwithstanding any vacancy in the Committee, but if so long as their number is not reduced below the number fixed by or pursuant to these Rules as the necessary quorum. The continuing member or members may act for the purposes of increasing the number of members of the Committee from amongst the members, which are hereby empowered to do, or of summoning a general meeting of the Organisation, but for no other purpose.

CTION OF OFFICE

\ vacancy in the office of a member of the committee occurs, if the member:

- (a) dies;
- (b) becomes insolvent under administration within the meaning of the Corporations Law;

- (c) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (d) resigns office by notice in writing to the Secretary;
- (e) is absent without the consent of the committee from all meetings of the committee held during a period of six months;
- (f) ceases to be a member of the Organisation;
- (g) is expelled as a member in accordance with rule 20;
- (h) holds any office of profit under the Organisation;
- (i) is directly or indirectly interested in any contract or proposed contract with the Organisation;
- (j) upon resolution being passed by a two-thirds majority of members present at a properly constituted general meeting called for the purpose, is removed from office.

FINANCIAL YEAR

9. The financial year shall conclude on ...30th June

ANNUAL GENERAL MEETING

10 The Annual General Meeting of members shall be held during the month of ...October in each year, when the Annual Report and audited financial statements shall be presented.

SPECIAL GENERAL MEETINGS

11 Any two members of the Management Committee may at any time convene a Special General Meeting of the Organisation. Special General Meetings shall also be convened by the Secretary upon written request of not less than 5 per centum in number of the members of the Organisation and shall be held within a period of one month from the date of receipt of the request.

QUORUM

12. At Meetings of Members a quorum shall consist of six members and at a Management Committee Meeting shall consist of four members. Should within half an hour of the set down for a meeting to commence, a quorum be not present, then the meeting shall be adjourned to the same time and place seven days later or to a place and to a time within one month of the date of such meeting, to be determined thereat. If at such adjourned meeting a quorum not be present, then those members attending shall be deemed to be a quorum, provided, the number of such members is not less than three.

PROCEEDINGS AT GENERAL MEETINGS

12 (1) The President shall preside as Chairman at every general meeting of the Organisation, but if he is not present within fifteen minutes after the time appointed for the holding of the meeting or is unwilling to act then the members present shall elect one of their number to be chairman of the meeting, a simple majority sufficing.

(2) The Chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for thirty days or more notice of adjourned meeting shall be given as in the case of an original meeting.

Except as previously provided, it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

(3) At any general meeting a resolution put to the meeting shall be decided on a show of hands unless a poll is (before or on the declaration of the show of hands) demanded by the Chairman or by at least three members present. Unless a poll is so demanded a declaration by the Chairman that a resolution has on a show of hands been carried or carried unanimously, or by a particular majority, or lost, and entry to that effect in the book containing the minutes of the proceedings of the Organisation shall each be conclusive evidence of the fact, without proof if the number or proportion of votes recorded in favour of or against the resolution. The demand for a poll may be withdrawn.

(4) If a poll is duly demanded it shall be taken in such manner and either at once or after an interval or adjournment or otherwise as the Chairman directs and the result of the poll shall be the resolution of the meeting at which the poll was demanded but a poll demanded on the election of a Chairman or on a question of adjournment shall be taken forthwith.

(5) In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which a poll is demanded shall be entitled to a second casting vote.

(6) Each member present and voting at a general meeting of the Organisation shall have one vote.

NOTICE OF MEETINGS

14. The Secretary shall give at least seven days notice in writing of all general meetings to the members of the Organisation specifying the place, the day the hour of meeting and the general nature of the business to be dealt with at the meeting.

FUNDS

15. (1) The funds of the Organisation shall be deposited in the name of the Organisation in such bank, building society, or credit union as the Management Committee may from time to time direct.

(2) Funds raised by means of a fundraising appeal within the meaning of the Charitable Fundraising Act 1991 must be maintained in accordance with that Act.

MAINTENANCE OF BOOKS OF ACCOUNT AND RECORD

16. The Management Committee shall ensure appropriate books of account and record are maintained, including those required to be maintained under the Charitable Fundraising Act 1991.

AUTHORISATION OF ACCOUNTS

17. All accounts shall be presented to and passed for payments at a Management Committee Meeting and full details of all such approvals shall be entered in the Minute Book.

AUDIT

18. (1) The auditor or auditors shall be elected at the Annual General Meeting. They shall examine all accounts, vouchers, receipts, books, etc, and furnish a report thereon to the members at the Annual Meeting. Audits shall be conducted at regular intervals of not more than twelve months.

(2) An auditor shall not be a member or closely related to a member, of the Management Committee.

(3) Subject: To paragraph (4), hereof notice of the intention to nominate an auditor to replace the current shall be given to the Secretary at least twenty –one days before the Annual General Meeting. The Secretary shall send a copy of the nomination to the current auditor at least seven (7) days before the Annual General Meeting.

The current auditor shall be entitled to attend the Annual General Meeting and if that person so wishes to be heard at such Annual General Meeting.

(4) Where the current auditor submits a resignation, or notifies the Secretary of the intention not to seek re-election as auditor. paragraph (3) hereof shall not apply.

MINUTES

19. The Management Committee shall cause minutes to be made:

(a) of all appointments of office-bearers and members of the Committee;

- (b) of the names and of members of the Committee present at all meetings of the Organisation and of the Committee;
- (c) of all proceedings at all meetings of the Organisation and of the Committee;

Such minutes shall be signed by the Chairman of the meeting at which the proceedings were held or by the Chairman of the next succeeding meeting.

EXPULSION OF MEMBERS

20. A member may be expelled from membership of the Organisation by the Management Committee, if in the opinion of such committee, after affording such member an opportunity of offering the Committee an explanation of that person's conduct either verbally or in writing as the Committee may decide, the conduct of the member is such as to be detrimental to the best interest of the Organisation, provided that :

- (a) such expulsion shall not be effective unless it is confirmed by a majority of members present at a Special General Meeting of members convened to consider the expulsion.
- (b) Such Special General Meeting is held within a period of one month from the date of the decision of the Management Committee to expel the member.
- (c) At such Special General Meeting, the member whose expulsion is under consideration shall be allowed to offer an explanation of that person's conduct verbally or in writing at the option of such member.
- (d) The voting of such Special General Meeting shall be by ballot if not less than five members present thereat so demand.
- (e) It shall be in the power of the Committee to exclude such member from participation in the affairs of the Organisation until such Special General meeting shall be held.

TRUSTEES

21. (1) Three Trustees shall be elected at a properly constituted general meeting.

(2) All property of whatever kind belonging to the Organisation shall be vested in the Trustees and they shall have the custody of all deeds and documents of title relating to the property of the Organisation and shall be responsible for the same and shall deal with and dispose of all the property of the Organisation whether real or personal for the time being vested in them and the income thereof in accordance with the directions of the Management Committee provided that such directions are not in violation of the trust upon which the property is held.

DISSOLUTION

22. (1) The Organisation shall be dissolved in the event of membership less than four persons

(note – must not be less than three) or upon the vote of a three- fourths majority of members present at a Special General Meeting convened to consider such question .

(2) Upon a resolution being passed in accordance with paragraph 22. (1) of this rule, the net assets or property available after satisfying all debts and liabilities shall, upon determination by the members of the Organisation, be handed over to some other organisation or organisation having objects similar to the objects of the Organisation, which prohibits the distribution or its income and property among its members to and extent at least as great as is imposed by the Organisation under rule 3. However, in making the distribution, the Organisation must ensure it satisfies all legal obligations applying to any funds or property over which a charitable trust exists.

AMENDMENT OF RULES

23. These rules may be amended by a resolution passed by a two –thirds majority of members present, at any Annual General Meeting at which notice of the proposed amendment shall have been given or at a Special General Meeting convened for such purpose.

NOTICES

24. A notice may be give to any member either personally or by sending it by post to the member's address registered with the Organisation or if that person has no registered address to the place of abode if the member last know to the Management Committee. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter or an envelope containing the notice and to have been effected in the case of the notice of a meeting on the day after the date of its posting and in any other case the time at which the letter would be delivered in the ordinary course of post.

INTERNAL DISPUTES

25. The Management Committee shall ensure that a mechanism is established for resolving internal disputes within its membership. This may include;

- (a) the appointment of an independent person to arbitrate in the dispute;
- (b) a process to bring the parties together to resolve the dispute at an early stage;
- (c) a process to ensure that all parties receive a full and fair opportunity of presenting their case;
- (d) where the dispute cannot be resolved internally by arbitration or mediation, to refer the matter to a Community Justice Centre which functions as “a centre for dispute settlement”.

COMPLAINTS

26.The Management Committee shall ensure that a mechanism is established that will properly and effectively deal with complaints made by members of the public and grievances from employees.

ADOPTED AS THE CONSTITUTION OF
KIDS AND CARERS SUPPORT GROUP KANDOS/RYLSTONE
THIS DAY 29TH APRIL 2006

M A Phillips

M A Phillips

6.2.4 Draft Solid Waste Strategy

REPORT BY THE MANAGER WASTE AND WEED SERVICES TO 4 MAY 2015 COUNCIL MEETING
Council Report Draft Solid Waste Strategy
GOV400043, WAS400017

RECOMMENDATION

That:

1. **the report by the Manager Waste and Weeds Services on the Draft Solid Waste Strategic Plan be received;**
2. **the Draft Solid Waste Strategic Plan be placed on public exhibition for the statutory 28 day period**
3. **following the conclusion of the exhibition period a further report considering any submissions received will be presented to Council prior to adoption the Draft Solid Waste Strategic Plan**

Executive summary

The purpose of this report is to seek endorsement of the Draft Solid Waste Strategic (Attachment 1) for public exhibition and comment for a period of 28 days. At the completion of the exhibition period the matter will be reported back to Council for further consideration and adoption. The preparation of the Draft Solid Waste Strategic Plan was undertaken to provide Council with a framework for the delivery of waste and resource recovery services into the future. Council does not currently have a Solid Waste Strategy and this new resource will form part of key documentation in providing waste services to the community.

Detailed report

The comprehensive Draft Solid Waste Strategy has been developed to provide a framework for the delivery of waste and resource recovery services for the Mid-Western Regional Council area. The strategy is divided into key themes and focus areas that provide guidance on service delivery into the future. This document along with the proposed Waste Asset Management Plan (WAMP) and Landfill Environmental Management Plan (LEMP) will form a key document in shaping waste service delivery.

The key focus areas under the strategy are:

- Landfill Management and Pricing
- Transfer Station Management
- Municipal Waste
- Kerb-side Collection
- Organics Management
- Carbon Emissions
- Community Education
- Waste Less Recycle More

It should be noted the solid waste industry is rapidly evolving both in terms of technology advancement, legislation and regional opportunities. This strategy will need to be a dynamic

document that is updated regularly to stay abreast of current industry developments and opportunities.

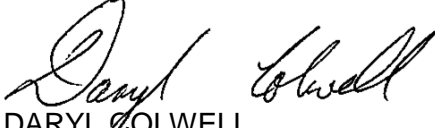
Financial and Operational Plan implications

This strategy is not intended to provide a business case for each area under consideration but is a higher level and longer term direction for solid waste services. As each theme is investigated and cost benefit analysis undertaken these will be reported back to Council. As such there are no cost considerations to be undertaken by Council at this time.

Community Plan implications

The preparation of a Solid Waste Strategy fits under the theme Looking After Our Natural Environment. Key elements of Councils Community Plan themes are covered in the Solid Waste Strategy including education and promotion of waste minimisation, working regionally to enhance environmental outcomes in waste management and improving resource recovery.

JULIAN GEDDES
MANAGER, WEEDS & WASTE SERVICES


DARYL COLWELL
DIRECTOR, OPERATIONS

21 April 2015

Attachments: 1. Draft Solid Waste Strategy (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

6.2.5 Code of Meeting Practice

REPORT BY THE DIRECTOR, COMMUNITY TO 4 MAY 2015 COUNCIL MEETING

Code of Meeting Practice

GOV400009, A0110003, GOV400043

RECOMMENDATION

That:

1. **The report by the Director, Community on the Code of Meeting Practice for Council Meetings be received;**
2. **Council's Code of Meeting Practice be amended in Part 2, CI 5(1) to provide that Ordinary Council meetings will generally be held once per month, on the 3rd Wednesday of each month, with no Ordinary meeting to be scheduled for January;**
3. **Council's Code of Meeting Practice be amended in Part 2, CI 5(4)(b) to provide that if a motion for adjournment is negated, the business of the meeting shall proceed and it shall *not* be in order for any councillor to again move for a motion of adjournment, within half an hour of the previous motion for adjournment being negated;**
4. **The draft Code as amended, be placed on public exhibition for a period of 28 days, but allowing a period of at least 42 days during which submissions may be made to the Council, in accordance with S 361 of the local Government Act 1993;**
5. **In the event no submissions in opposition to the proposed changes are received during the submission period, the proposed and exhibited changes be adopted as Council's Code of Meeting Practice.**

Executive summary

This report recommends that Council proceed with changing its Code of Meeting Practice, to provide for monthly Council meetings. There is an additional recommendation to correct one omission of the word "not" from Part 2, CI 5(4)(b) of the Council's Code, an omission which occurred when it was originally transcribed from the Model Code provided by the Office of Local Government. It is further recommended that the draft Code with the proposed changes be publicly exhibited in accordance with S 361 of the local Government Act 1993.

Please note that the only proposed changes to the Code of Meeting Practice can be found on page 6 of the draft amended Code of Meeting Practice attached with this report.

Detailed report

Council at its meeting of 3rd December 2014, resolved amongst other things, to trial the conduct of one Council meeting per month, for a period of five months, with the last meeting in the trial period to be the meeting scheduled for 17 June 2015.

The trial period has proceeded with strong indications that Council operates effectively with the reduced number of scheduled meetings, without unreasonable extension of meeting durations and

without detriment to Council's operations. On the rare occasion when a matter arises which cannot wait until the next scheduled meeting, the extraordinary meeting provisions are available to Council, to deal with any appropriate matter.

The Local Government Act requires the draft Code of Meeting Practice to be advertised and placed on public exhibition for a period of at least 28 days, but allowing up to 42 days for the receipt of any public submissions on the changes. Recommendation No. 5 further provides for the proposed changes to be incorporated in Council's Code, without further need for referral to Council, in the event no contrary submissions are received.


Financial and Operational Plan implications

Financial implications are considered minimal, as catering costs for meetings are modest and staff related costs are minimal, as those staff in attendance at meetings who receive payment, would generally receive time in lieu included into their normal week. There would be no appreciable Operational Plan implications.

Community Plan implications

5.1.2 – Provide accountable and transparent decision making for the community

5.2.2 – Encourage community access and participation in Council decision making



SIMON JONES
DIRECTOR, COMMUNITY

22 April 2015

Attachments: 1. Draft Amended Code of Meeting Practice (included at the end of the business paper)

APPROVED FOR SUBMISSION:



BRAD CAM
GENERAL MANAGER

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 7: Urgent Business Without Notice